

The Quæſtion of
TYTHES
REVISED.

ARGVMENTS FOR THE
Moralitie of Tything, enlarged, and cleared.

O B I E C T I O N S M O R E
fully, and diſtinctly answered.

M^r SELDENS Historie, ſo farre as
Miſtakers haue made it Ar-
gumentatiue againſt the Morali-
ty, ouer-ly viewed.

By

WILLIAM SCLATER, D. D. and Miniſter
of Piſmiſter, in Somerſet.

DEVT. 33. Verſe 10, 11.

of Levi he ſaid, They ſhall teach Iacob thy Iudgements, and
Iſrael thy Law.

Bleſſe, O Lord, his ſubſtance, and accept the worke of his
hands: Smite through the loynes of them that riſe againſt
him, and of them that hate him, that they riſe not againe.

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XUM



REVERENDO IN CHRISTO PATRI

AC DOMINO, ARTHURO,

Prouidentia Diuinâ Bathoniensi ac Wel-
lensi Episcopo, Domino meo plu-
rimùm obseruando.



*Honorande Prasul, Annus iam agitur
fermè duodecimus, ex quo mea, qualif-
cunque, de Iure Decimarum uelitatio,
in vulgus emanauit. Quanto, Credis,
cum literatorum propè omnium ap-
plausu? Nec tamen sine vulgi (absit
verbo inuidia) Sacrilegi oblatratu. Fremere exin atque
indignari quotquot in Sacra inuolant, non aliter ac
Demetrius Ephesinus cum suis, ubi Diana magnificen-
tia periclitaretur, hoc est, nò pòt illorum in discrimen
vergeret. Nimirum & de Arte Decimandi, perinde ut
de Statuaria Opifices illi, Generosi fere omnes nostri sua-
uiter uisitanti.*

*Siquis paulò cordatior, vacillare aliquantulum, ut fit,
& tremere: mox etiam gratulari sibi, quòd de Rure pa-
terno, non de Iure Pastoritio victum sibi quaritaret.
Mirari Ego quorsum Res exiret: Cum ecce Conductitius
nescio quis, Decimarum & ipse, quod nunc audio, impu-
rus Heluo, mea omnia ventilare, sugillare; censura su-
pra quàm Magistrali lustrare; scommate vere Lucianico*

Epistola Dedicatoria.

mordere, rodere : Pedum etiam suppletioni, si fas, exponere. Transacta Res est: versa, eversa sunt omnia: Sopita est denuo Conscientia. Faxit Deus, ne non & mortua.

Eam ego ut semisepultam, si pote, exstitem, id vero nunc do operam, quam vereor, ne non inancm? ut, ut, Accepta sit Deo, Ecclesia utilis, Tibi grata, Sat habeo. Inhient etiamdum plenis faucibus Heliogabali nostri Peculio Dei: vorent quod sacrum est & sanctum Deo. Vorent, ut euomant. Quis vero ferat nisi diuinitatem perire Sacrilegos? Subit etiam mentem, & solatur aliquantulum, quod Iudeis diuerbii loco dicitur, Quando duplicantur lateres, tunc venit Moses. Hac spe (quantillae?) fretus, Rem ipsam aggredior; Auspicato, credo, satis, quod sub tuis Tanti viri, Auspiciis. Sospiet Deus.

Quod superest Deum Optimum Maximum enixe comprecor, ut Amplitudinem tuam indies magis magisque amplam reddat: Ipsum Te Ecclesia, Nobis, quam diutissime incolumem seruet: ut, quod facis, Pietate, Sanctitate, Industria, Clero tuo praluceas. Faxit. Amen.

Pietermisterij, Dat. Kalendis Ianuarijs,
Anno Reparationis humanae 1621.

*Amplitudinis tuae studiosissimus,
Idem qui & Capellanus tibi
addictissimus,*

WILL. SCLATER.



The Introduction.



Ince I began to smatter in *iudgement* of questions, thus I haue euer thought of the particular; that its amongst those, that may much more easily be *defended*, then *en- dled*. So vtterly inconse- quentiall, are all arguments pretended against the diuine right of Tything, yet so blind is preiudice, so carelesse the belly, so stiffe and absurd couetousnesse, in denying principles, and in spight of all premises resolu'd to hold the conclusion of Sacriledge.

Difficultie of euiction ariseth hence: first, that *opposites take from vs appearing principles, and put vs to prooue them in our owne science*: secondly, haue framed to themselves principles, which no man must dare to contradict, vnder perill of his- sing at for absurditie: A principle it seemes to my poore vnderstanding. First, that praecepts of God, neuer so ancient, hauing no appearing repeale, binde euer to the end of the world.

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Secondly,

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Secondly, that men willing to loose Conscience from bond of any diuine præcept, such especially as but lookes towards moralitie, must be able to shew, by soundest euidence, the abrogating of that, from which they pretend to be enlarged. For what our Sauour disclaimes, dares any attempt?

^{* Math. 5. 17.} (a) *Dissolving the Law in any 1st or title?* without cleare signification of the Law-giuers will for cessation? Or suppose wee, hee speakes of the maine only after the letter, and not of particulars, and degrees of dutie, couched vnder the maine? Of particulars and degrees of sinne implied in the grosse? who should not tremble at so profane arrogancie, that heares him protest his

^{* Math. 5. 19.} (b) *nullitie in Gods kingdome, who breakes, or teacheth breach of the 1st commandment.*

Tis strange libertie these licentious times haue taken; to cancell at pleasure, what their fancie distasteth in the Law of God.

^{* Deut. 4. 15, 6.} How vrgent is the (c) *caueat against Image-making*, for representation, or worship of the God-head; how plentifully particularized, and backt with reasons? yet goes it for current doctrine amongst some Papists, that the præcept was temporarie, peculiar to Iewes; in respect of their grosse rudenesse, and strong propension to Idolatrie. Its a præcept in casu, to (d) *swear the Lord*

^{* 1er. 4. 2.}

liueth in truth, in iudgement, and in rightnesse. A toleration rather, say Anabaptists, limited to Iewes, in their estate of weakenesse, and imperfection. No oath lawfull to Christians in new Testament,

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Testament, in what cause soeuer, by what authoritie soeuer imposed.

Præcept of Sabbath, ancient, some thinke, as the world for the *quota* of time; we are sure, enrolled by Gods owne finger in the two Tables of stone; yet thought a meere Iewish ceremonie, to vanish with other shadows of heauenly things, in this time of reformation.

Subiection to Christian Magistrates, inioyned (e) *in the first commandement with promise*, law-^e Eph. 6. 2. lesse Anabaptists make proper to the State, and politie of ruder Iewes.

Vfury, so damned by *Moses*, Prophets, Councils, Churches, Heathens, is deemed a sinne peculiar only to the people of Iewes.

Were *Nicholas* of Antioch now aliue; or *Nichols* the Familist, approaching as neere to his heresie, as to his name; they would voyce it as strongly, that fornication was a sinne peculiar to Iewes; And that Christians may liue after the licence of *Plato* his Common-wealth, rather then astrict themselves to these lawes of *Moses*, made seuerall, as their opinion seemes, to the Iewish Nation.

May not *Dauids* Apostrophe besecme vs in these times, (f) *Its time for thee, Lord, to lay to thy hand, for men haue destroyed thy Law.* What præcept, with greatest instance pressed, may not a licentious Libertine plead to bee exempted from? If it may be lawfull, without ground to auouch it meere Iudaicall? Yea, how would

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my soule wish rather to be a Jew, that dissolute nature might be restrayned in mee by lawes, and my Conscience inioy the sweete comforts found in obedience, then to inioy such liberties of Christians, such lawlesse licence, to be Idolatrous, luxurious, impious, Sacrilegious?

Should not Christian Conscience be well aduised, how it slights any the præcepts of God? Had not the euidences need be pregnant, that induce vs to beleue our freedome from their obedience.

Thinke of it seriously, you that put vs to plead our *ius*; while you keepe possession of Tythes: whither it lye not rather on your Conscience; to prooue repeale of that diuine Law-giuen for Tything. Least that taxe of our Sauour laid on the Pharisees, light on you; *full well haue you* *g Math. 15. 6.* *(g) abrogated Gods commandement to stablish your* *h Iude 12.* *owne tradition*, or rather fancy. And *(h) without feare to feed your owne couetousnesse*, and luxurie, with Gods reserued portion. Once wee are sure, a law of Tything there was giuen of God: obserued by Patriarches, ancient Iewes, and Christians; maintained by Fathers, to stand still in force: how may any dare auouch it abrogated without clearest euidence of the word of God?

Their principles, such as they are, receiued amongst the *vulgus* and their Chaplens, let vs examine. 1. That is impregnable borrowed from Manichees, pointed at by *Thomas*; that *Christians stand bound to no precept of Moses, or Prophets,*

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Prophets, which Christ, or his Apostles haue not, in Scriptures of New Testament, giuen life vnto. Would they, I trow, be so vnderstood? that all Mosaicall; and Propheticall præcepts, which are not totidem verbis reuiued in new Testament; are now mortua? Apagesis Antinome.

Or sufficeth the protestation of our Sauour that he (i) *came not to destroy the left sitle of Moses*; Math. 5. 17. *his morall Law*; and that of Paul, that (k) *faith doth not abrogate the Law, but rather stablish it*; Rom. 3. 31. to countenance whatsoever Law giuen by Moses, explicated by Prophets, which was not either particularly iudiciall, or amongst the shadowes of things to come. That yeelded, till that of Tything be euenced to bee amongst the seuerals of the Iewes, life it hath sufficient put into it by Christ and his Apostles, in their protestation, and auouchment for the generall.

But who so is acquainted with their discreetest answers to arguments grounded on Scriptures of the new Testament, shall finde them to exact a præcept, punctually there speaking for Tythes; with such scorne shall hee heare arguments of most apparent consequence thence drawne, reiected; because the conclusion for Tythes, *under that name*, is not extant in our testimonies 1. *Make the instructor partaker of all thy goods*, said the Apostle. Gal. 6. 6. Part-taker, said an Arch. presbyter amongst them, not Tenth-taker; and pleased himselfe much in the elegance. *m As Le. m 1 Cor. 9. 13. 4.* *ni ministring about holy things, lines of the Temple,*

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Sec. So hath Christ ordained for them that preach the Gospel, to live of the Gospel. To live of the Gospel, God forbid else; but had Paul meant Tythes, doubtlesse hee would haue named them. Their

2. Second Principle then is this, that Scriptures of new Testament meane to oblige vs to no duty, but what by name it commends vnto vs. Anabaptists, I thinke, and our lay-Parsons, are, in the grounds of their Tenants, *coniuersi*; sworne brothers.

m Mat. 28. 19.

n 1 Cor. 1. 16

o Act. 2. 39.

p Act. 10. 47.

q Mar. 10. 14.

Though Christ said, *n Baptize all nations*; Though Paul baptized whole households; though o *Promises*, p *spirit*, q *kingdome*, belongs to Infants, yet, after Anabaptists, neuer meant Christ to admit Infants to his baptisme? for as easie had it beene for him to name them, had hee so intended, as to leaue it determinable, by doubtfull

3. consequetiall deductions. 3. Their third ground they haue borrowed, vnwittingly it may be, from the schoole of *Thomas*; the best Patron, I dare say, of their opinion. That the ancient practise of *Abraham*, and *Iacob*, before the law written, was arbitrary onely, without any iniunction, or præcept of God. And yet, saith, *Thomas*, *Abraham* had his Propheticall instinct which was to him a law. And may wee thinke their sacrificing, and like deuotions, or pious offices, were done without iniunctions? By faith *Abel* offered. Heb. 11.

r Gen. 26. 13.

Therefore not without a word of God r. *Abraham kept Gods charge, his commandements, his statutes, his lawes.*

The

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The names, the same, as of those lawes after giuen in writing, force vs to thinke, they had their rule of faith, of worship, of life, according to which they were bound to frame their Religion, and life. Euen of the particular, *Abrahams* Tything, it shall after appeare, it was done of duty, of iustice, by iniunction, and therefore not, as is supposed, arbitrarily.

Thus the introduction to our intendment. How loth am I, that couetousnesse should grow impious, so impious, as without warrant, or sound reason, to abrogate any law of God, intended to bee perpetuall: how faine would I perswade conscience, (and if there be any, it will be perswaded) to prooue, before it affirme, the law of Tything abrogated; to evidence, before it pleade exemption from it; They erre, that thinke vs onely bound, by reasons to prooue such lawes perpetuall: those that scize the Lords ancient inheritance to themselves, those that detain any part of that portion, must prooue it temporary, before they can warrant conscience in such practise, Cleerely God gaue such a law; according to it, practised Patriarches, Iewes, Christians vpon perswasion of obligation; ancients, as many as treated it, iudge it to binde the Christian Church. The authority, the reasons of none, except demonstratiue, shall sway my iudgement, nor ought to sway anies, to thinke it temporary, belonging onely to the time, and state of the Iewes.

A 4

A taste

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A taste of Lay-mens reasons, much swaying their conscience, let me, though something out of place, giue you; A pidling Cauiller, willing to shew his witte, would needes frame argument against Tything, of the text, which gaue mee first occasion to treate the question. After many quarrellings against choice of that text of *Paul*, 1. *Cor. 9.* to support the conclusion, thus hee *quarrees*. What if from this text hee could frame an argument against Tythes? *Ans.* He should bee to me *Magnus Apollo*. And if out of this, or any other holy text, you could handsomely but *straine* an argument, I would yeeld you the conclusion.

Its well with you, my Lay-masters, you haue in our free hold the eleuen points of the law. I dare say, you shall sooner fetch water out of a flint, then argument out of Scripture, to prooue your *ius* to them.

Yet this Text would afford some *Sampson* one. What, trow we, may that be? if hyre or wages bee the maintenance belonging to ministers, then not Tythes: for hire is a ciuill thing, and from men by ciuill contract. Tythes are challenged from God, as a diuine donation. Therefore Tythes, and wages, being of diuers nature, cannot both be the ministers maintenance. But the maintenance, belonging to ministers, is hyre or wages. 1. *Cor. 9. 7.* *Ergo*: not Tythes.

Ans. Wittie too too: *quasi dicam*, if an inheritance be the maintenance belonging to *Leui*, then
not

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not Tythes: for inheritances are ciuill things, descending lineally from father to son, settled vpon posterity, by ciuill, or naturall, or nationall law. Tythes are challenged to *Leui* from God, as a diuine donation; but the maintenance belonging to *Leui*, is an inheritance. *Numb.* 18. 21. *Ergo*, not Tythes. How easie is it to answer, that Tythes was that inheritance, and Tythes is this wages? Will you rest in an answer when you haue it? The Apostle saith not, our maintenance, whatfoeuer it is, is wages, or hyre giuen by ciuill contract. But from proportion of wages giuen in Iustice to souldiours, &c. proues a reward or recompence, due to Ministers for preaching the Gospel.

2. Is euery hire or wages due by ciuill contract? The *Mona* or wages of sinne is death. *Rom.* 6. 23. by ciuill contract thinke you? betwixt whom, and the sinner. 3. Alters this the nature of things, to haue many efficientes? Lastly, if hyre, then not Tythes? what if Tythes be this hyre? as it was *Leui*'s inheritance. Then though hyre, yet Tythes. Hyre imports the generall, Tythes determine the particular: hath not this *Sampson* puld the house vpon our heads.

A second argument thence drawne, is from *Pauls* silencing of the particular, where hee purposely treats of the generall. *Paul* purposely treating of Ministers maintenance for perpetuities, mentions not Tythes, where one word yet had strooke the matter dead.

B

Ans.

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Ans. Will it please you to know, that *Pauls* principall scope is not, to treat of maintenance; but to perswade the people, to yeeld of right in things indifferent, in fauour of the weake, by argument drawne from his example. Hee yieldes in maintenance, therefore ought they in matters of lesse moment. His secondary intention is, to auow his right to maintenance: where, though grounds be laid that concerne posteritie, yet is not that his maine purpose.

His conclusion in this second intention is, that he and *Barnabas* had right to maintenance: must he needes descend to expresse mention of the particular *quantum*? especially it beeing else-where sufficiently determined? what if he thought the people well enough able, out of the old Scriptures to informe themselves of the particular? This once is apparent. Scriptures of new Testament deale lest particularly, in matters plainely, and plentifully particularized in the old; as in those maine moralities, of obseruing Sabbath, and forbearing vsury, &c. is euident.

But to this Argument, *Paul* purposing to speake of ministers maintenance, mentions not Tythes. *Ergo* what? they are not due? or no thought in *Paul* of Tythes, as if I should say:

f Gen. 1.

Moses purposing to set forth the *f history of Creation*, mentions not Angels: are they therefore not created? or had *Moses* no thought of their creation?

Our

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. 11

Our Sauour purposely treating of the *1. Mo. 1. Mat. 5.*
*ra*ll law, and continuance thereof, speaketh not
particularly of the Sabbath. How much question
hath the Church beene pestered withall about
that Subiect? Sure our Sauour much forgot
himselfe, especially hauing praescience of things
to come, that he gaue not one touch at moralitie
of Sabbath, where one word had stroke the mat-
ter dead. Are ye satisfied? such arguments are
the best, that these mens Logicke can frame;

Procede we now *our* *dis* to reuiue of the ques-
tion; stating it after our old course, for the Ca-
uillers sake, who hath laboured to perplex it;
Who knowes whether God will more blesse our
second indeauours?

B 2

THE

Our first object is to review of the
 and to present a new and improved
 of the Sabbath. How much of the
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THE MINISTERS PORTION.



H^e grants on all sides are these. First, that there is a maintenance *(a)* *in iustice due* 1. Cor. 9. to Ministers for their worke 4. 5. 10. 15. sake. Secondly, Its yeelded it must be *competent*, not only for supply of naturall necessities, but for their *(b)* *furniture to every* 1. Tim. 3. 2. *good worke* of their calling. Thirdly, That it must be *(c)* *liberall*: not such as every niggardly minde 1. Tim. 5. 17, 18. will iudge conuenient and competent.

To which grants, let me adde these *postulata*, as plainly determined in Scripture. Let no man mistake the terme, supposing them to be Lawyers *quarrees*, or matters of *maot*. My *postulata* are Mathematica, such as to my apprehension, in respect of euidence and certenty, admit none, except caillsome, contradiction. Those granted,

some inferences for the maine purpose, will, of their owne accord, follow. Thus you may number them.

1. That to Ministers of the Gospel, belongs a maintenance as large, as to the Leuiticall Priesthood: this, mee thinkes, (d) *excellencie of Ministerie*, and (e) *blesings* conferred thereby enforce.

d 1. Cor. 3.
e 1. Cor. 9. 11.

Obiect, *Yet Christ whose Ministerie, and blesings were superiour to ours, thought not necessarie His excellencie should bee adorned with earthly things.*

- Answ.* Now you are in the right. Neither thought he necessary, that th' excellencie of his Kingdome should be adorned with Royall magnificence. What is your inference? therefore our (f) *Salomons may not bee clothed royaltie?* therefore nor his Ministers (g) *haue where to lay their heads?* Know you not that his *omnium* on earth, was to be carried in the (h) *habitude of a seruant?* and that (i) *by his pouertie he should make vs rich?*

f Math. 6. 29.

g Psal. 8. 10.

h Phil. 2. 7.

i 1. Cor. 9. 9.

k Gal. 6. 6.

2. That this maintenance must rise (k) *out of all and euery the goods of all and euery the people instructed.*

3. That the Lord hath as certainly provided for our maintenance vnder the Gospel, as for theirs vnder the Law. For had the Lord lesse care of vs? was there lesse need in respect of the peoples backwardnesse? no. But hee entrusted Magistrates with that care.

Answ.

Ans. And were there not Magistrates amongst the Iewes.

Obiect. Is not the care of God shewne sufficiently in ordaining maintenance without certaintie?

Ans. Thats not the *quare*, whither sufficiently: but whither lesse or more by determining certaintie, or by leauing all to mans arbitrement. As if I should aske; doth not the father, assigning his childe to the care of friends at large, as carefully prouide for his *liuelihood*; as allotting his sonne a portion of lands and reuenue, which none may by any meanes defeat him of? I should thinke his care more, that thus certainly provides, then his, who commits all to the doubtfull regard of friends.

Obiect. But why thinks M. Selater, the people vnder the Gospel, as backward as those vnder the Law? When God hath promised (1) more abundant Grace: Is not Iustice a part of Grace? can Grace be without Iustice? Joel 2. 28, 29.

Ans. Grace renewing cannot be without Iustice: vertues gracious are connexed. But the Grace of which *Joel* speaks, dreaming dreames, and seeing visions, or if there be any other, coming vnder the terme of *Gratia gratis data*, may bee without Iustice: except perhaps wee may thinke *Iudas* iust, because to him was giuen, as to others, (m) power to doe miracles. Math. 10. 1. Howbeit it must be confessed, that Grace of illumination, and sanctification, is greater vnder the Gospel, then vnder the Law: 1. In extent of the subiects

receiuing; which are now all flesh, as well Gentiles, as Iewes. 2. *Mensura & gradu*, where it takes place, making the termes of comparison æquall. But thinke you, this Grace takes place in all vnder the new Testament? or meant the Lord to leaue vs to the gracious disposition of our sanctified people onely, exempting others from bond of dutie, in contributing to maintenance of the ministerie? I assure you Sir, if I should measure mens Sanctification by their Iustice in this kinde, I should be forced to assigne Sanctification rathest to men of lest knowledge; and to say of others, who haue enclosed sanctitie, and sinceritie all to themselues, *Non est qui facit iustum vsque ad unum*. Whither it be, that the holy morsell is sweet; or that they would haue iustice in this kinde, seeme mercie; or how the good yeare it falles, I know not; *Terras Astraa reliquit*: This Iustice is taken to her wings, and fled farre from our coastes.

1. Tim. 5.
18.

4. That the Lord in the Leuiticall Law had eye to prouision for vs, that were to Minister in the Gospel. (n) *Thou shalt not mussell the mouth of the oxen which treadeth out the corne*, was a branch of Law Leuiticall; yet applied by th'Apostle to enforce honourable maintenance of Ministers vnder the Gospel.

Thus farre I thinke we walke safely, sith in the very steps of the holy Ghost, leading vs in the new Testament: Let vs now descend toward the particular.

Some

Some tumbling downe headlong, rather then descending, resolute of a competencie indeterminate; so th' allowance be competent all is well.

Resp. Then in case of this fancied competencie, some as the instructed, though wealthy perhaps, shall be exempted from the Apostles iniunction. For suppose some one or two of the well disposed hearers, shall out of their priuate, make a competent allowance; The rest shall now (o) *reape our spirituals, and not sow their carnals.* For, as the saying is rise enough in a Ministers maintenance, enough is a feast. But saith th' Apostle, (p) *Let him, that is: euery him, that is instructed, make his instructor partaker of all his goods.* 1. Cor. 9. 11. Gal. 6. 6.

The supposed (saith the Cauiller) is without example, nigh to an impossibility.

Ans. It should seeme then, the Grace of the new Testament is not euery where alike abundant, and overflowing. In your countries it workes more sparsely. My selfe haue knowne many, who, out of their owne priuate, haue giuen, ouer and aboue their Tythes ordinary to the Ignorant or idle Sheeheard, a largesse, as large as most men thinke competent, in zeale of their owne and other mens saluation.

But what inconuenience, though contribution arise not out of all and euery able mans goods?

Ans. (q) *They reape our spirituals without sowing their Carnalls.* 2. They discharge not the (r) duties laide on them by the Apostle, and so entangle their conscience with guilt of sinne. An 1. Cor. 9. 11. Gal. 6. 6.

Obiect. inconuenience call you that, or a mischief? Not so, for that of Paul is but a counsell, not a precept.
 2. A counsell to be obeyed in casu of the Ministers neede. Then indeede the hearers are bound, to afford their Minister, a meales meat, or nights lodging, and such like cleemosynarie kindnesse, as they would afford another man in his necessitie.

Sol. *Ans.* When will you cease to peruert the streight waies of the Lord? Are Ministers your Almes-men? Is nothing due to them *ex lege Iustitie* for their labour in the word and doctrine, be they neuer so well stored of their owne, but only in mercie, respecting their necessities? Is this the (f) double honour Paul would haue them thought worthy of? This is the ordinance of Christ for Preachers of the Gospel, to liue of the Gospel? what if our inheritances ciuill were as large, as yours? Is nothing due for our paines in the Gospel? how then liue we of the Gospel? what is the labourers deserued hyre? the souldiers *Monia*?

f 1. Tim 5. 17.
1 1. Cor. 9. 14.

In case of need, you that haue this worlds good, will not see this Brother want. There, there so would you haue it Ministers, to hang on your beneuolence; to partake workes of your mercie due to humanitie; but neither by this, nor any other text of Scripture, to be intituled to any thing for their worke sake. This and no more must be intended in this precept of th'Apostle. For the charge is as great in the next verse, to releue the poore.

Sol. *Resp.* But thinke you that also a counsell, not a precept?

præcept. 2. Weigh well, you shall be forced to see, that what is said in the three next verses, belongs to the point in hand of Ministers maintenance, & not to beneuolence towards the poore. Let me see what this mercifull man hath said hitherto for the qualitie of our maintenance. One while its hire, as much, or little as you can make your bargain for; Another while, Almes: your seruants, or your beades-men we are, one of the two certaine. Sir, I would you knew, the only Master we serue is Iesus Christ: His seruants we are. Our peoples (*u*) *guides, rulers, superiours.* And ^{Heb. 13. 7.} the maintenance wee claime, is of that portion, ^{17.} which the God of heauen hath assigned vs, ^{1. Theſſ. 5. 12.} which who without Sacriledge can detaine from vs? But proceede we in examining the likelihood of your competencie. See conclusion the sixt: and duly weighing it, tell me, whither thou finde conscience satisfied with this imaginarie competencie? for is there no certaine prouision for Ministers of the Gospel, but this vncertaine competency? who shall iudge of it? Euery man? *Mallet Cerberum metueres*, as the Orator speakes. The Magistrate? why would not the Lord leaue this to Iewish Magistrates? no not to *Moses*, a man so gracious with him? and leaue it to Magistrates vnder the Gospel.

Iewish Magistrates were then intrusted. Anſw. Obiect.
 What? as you would haue them now Trusters *Sol.*
 for vs; that the whole of our maintenance should depend vpon their discretion, to assigne, lesse or

Mal. 3. 10.

Obiect.

Sol.

more? Where haue you it? in what Scripture? in what Authentique Authour? will the text in (u) *Malachi* beare it? Let the reader be iudge.

No such certentie was left to Leuites, as we now claime. Ans. No such certentie. *Ergo* none? 2. Such certentie: so such as its the same for the generall. Tythes, and Glebe, and votarie consecrations. 3. Why none such? *Ob.* Tythes were then brought to one common Store-house, and there-
out share giuen to euery one, according to his gifts, worth, number of children, and necessity. Ans. 1. *Incerta omnia*; whether worth, or necessitie, or specialtie of imployment, were the rule of distribution: whether all Tythes were brought to one common store-house at Ierusalem; or not rather laide vp in the seuerall Cities, assigned to Leuites in the seuerall Tribes. 2. Varies it the suchnes or identitie of the matter of maintenance, that there were some variable circumstances appertinent to the payment or distribution? 3. Thus conceiue your answer. The whole of Tythes was a certaintie due to the comminatie of Leuites: The whole of Tythes is a certentie due to the comminatie of Ministers. A portion of that whole, was due to euery Leuite. A portion of this whole, due to euery Minister of the Gospel. 1. *Res distributa* was then certaine, Tythes. 2. *Obiectum distributionis*, certaine: Leuites, not Laickes. 3. *Modus distributionis*, in respect of the particular, in a sort indeterminate, while the ordinance was for Leuites to liue in common: Our

res distribuenda, is certaine: the persons, to whom that portion must be distributed, as certaine. The *Modus distributionis*, in a sort vncertaine; as what number of people, or circuit of place to be assigned to particular ministers; what ministers to bee deputed to oversight of this, or that congregation; yet *ex hypothesi*, certaine; suppose such congregations assigned to such ministers, the Tythes thence accrewing belong to those ministers by *Pauls* rule. *Gal. 6.6.*

3. Suppose it committed to Magistrates? how I demand; absolutely, or with limitation? if with limits, what are those bounds? forsooth a Competencie. Perceiue you not circling and meere vncertainties? *The Magistrate is bounded* *Obiect.* *with no certentie of number or quantitie?* *Answ. Sol.* What? *Ergo*, with no limits at all; which is the question. *Obiect.* *Yes, a rule he hath to follow, the word of God.* *Answ.* That is large. But what is the rule, or limit prescribed for this particular by the word of God? Say if you can without circling. Forsooth Competencie. You are coniured to your circle, and must not out of it.

Leaue we therefore this fancy: and see, whether we may finde some other more certaine particular, to resolute of. And surely, when we haue in vaine turmoiled our selues to auoide Iudaizing in this point of Ministers maintenance, we shall be forced at length to acknowledge Tenths, which some call Iewish, to bee the Ministers appointed Portion.

C 3

That

That the truth may better appeare, I will propound the different opinions that I haue met withall in this point.

1. Brownists in this question thus peremptorily resolute. That Tythes are so meereley ceremonious & Leuitical, that they cannot without betraying Euangelicall libertie, and disauowing Christs Priesthood, bee retayned as maintenance of Ministers of the Gospell. And how full soeuer of dotage, this dreame may seeme; yet this I will say for them; they are mad with more reason a great deale, then any others which holde them ceremonies Leuiticall. If the assumption were true, their conclusion would soundly follow by doctrine of th' Apostle. *Gal. 4. & 5. Col. 2. &c.*

2. Some others thinking them Iudicial, resolute: part, that they may be retained as the Ministers stipend: part, that they are the most conuenient maintenance can be allotted vs.

3. A third sort, that they are due by Gods Law to Ministers of the Gospel: but these in explanation of themselves diuersly deriue them thence.

1. Some thus, due by Gods law enioyning obedience to Magistrates in things lawfull and conuenient. These giue them no other ground in Gods word, then other humane ordinances.

2. Others, due by Gods Law, in as much as the Church (whose authoritie with them is diuine) hath enioyned their payment. So generally Papists.

3. A third sort: due by Gods Law; in respect of

of their consecration to God, eyther by received custome or consent of Churches, or by donation of Princes, or by legacie of Testators. In which opinion I must needs professe my selfe to haue sometime beene; till being to deliuer my iudgement to my people, I more purposely set my selfe to see what the truth was. And during that mistake, I thus thought: that they could not without Sacriledge be aliened from their general end. My reasons were these.

1. That I found *Salomon* auerring it to be a *(*)* *Curse to deuoure holy things*, and had seene the curse exemplified on many. Pro. 10.29.

2. That ordinance of the Lord I held morall and perpetuall. *(x)* *Nothing separate from common use, no not of those which man had separated,* Leu. 17. 18, 19.
might be againe unhalloved, no nor redeemed.

3. That saying of th' Apostle much swayed with me *(y)* *If it be but a mans Testament, no man* Gal. 3.15.
abrogates it. 1. No man ought to abrogate it. And so much the more, for that being once an Auditour of that Iudicious Divine Master *Perkins*, whose memory is blessed, I heard him moue the doubt; whether things given to superstitious vses, suppose to maintaine Mass-monging, might be alienated. And thus assoile to my remembrance. That from the particular intention, wherein through ignorance they erred, alienation might be; But from the generall end, maintenance of Gods worship, they might not be aliened. Thus then and vpon those grounds,

amob: 110

C 4

my

my iudgement is still the same, though my *Media* be other, and somewhat more peremptorie.

Is not Master Sclaters conclusion to take away Tythes, is Sacrilege? Be not his other Media since his mistake reformed, because Tythes bee due iure diuino; absolutely and simpliciter, and not quodam modo, as by consecration; why then makes Master Sclaters consecration one of his five reasons?

Ans. Master Sclaters opinion is that Tythes are due *iure diuino*; that is, by principles, and Lawes of the word of God, absolutely due; by such absolute prescript as admits no repeale or dispensation.

Why then returns he to the matter of consecration?

Ans. Because that is one of his grounds of clayme, laide downe in the word of God; which once was his onely, is now one amongst others. 1. Withall you must vnderstand, there is a double consecration; one by Gods reseruing, or separating things to himselfe. Another, by humane vow, or dedication. Master Sclaters mistake was, that they were due onely by humane consecration: his reformed iudgement is, that they are holy to God, not onely because vowed by men, but because reserued to God by himselfe from the beginning. Here is no tautologic.

Obiect. Alienation was made by the whole state; which hath interest in meum and tuum.

Ans. 1. Varies it the Nature of the action, supposing it to be Sacrilegious, that whole states are engaged therein? Belike the multitude of offendours,

Leuit. 27.

offendours, *parit errori patrociniū.*

2. Yeeld States to haue interest in *meum* and *uum*; haue they dominion ouer that which is *Dei*? *Suum cuique*, is a good rule for states. Let them giue to *Cesar*, what is *Cesars*: to euery one, what is his owne; onely let Gods portion be sacred, and kept inuiolable: let his dominion and property be holden a transcendent.

But what if these dispersions into many hands was sh'onely meanes to banish Antichrist? *Quest:*

Ans. 1. Those many hands might haue been as well Clericke as Layicke, and that end as well atchieued. 2. But *(x)* may you doe euill, that good *3 Rom. 3. 8.* may come of it?

Obiect. *Returne of Antichrist was feared.*

Ans. O worthy wight, and worshipt might he be; who neuer spared woman in his lust, nor man in his rage, yet feared the returne of Antichrist. *Credam?* 2. But know you not Ignorance the greatest pillar of Antichrists Kingdome? If amongst any he may recouer his old possession by a *Postliminium*, most amongst those congregations which are most stript of Tythes; forced, poore soules, to content themselves with Priests of the lowest of the people, because the ancient salary is seized on, and possessed in Lay-fee. And see issues of such dealing, with meanes of reformation.

Neh 13. 10, 11, 12.

Quest. *But can any in error consecrate vnto God? was Cains sacrifice accepted?*

Ans. What is your meaning? so as *their act*, as theirs, shall please God: and their persons bee

D

accepted,

accepted, so we answer, no. And so much onely
 preſſeth your instance in *Cain*. But so as to give
 God proprietie in the thing consecrated, who doubts
 but they may? The Censers of *Corah* and *Da-*
than must be employed about the Altar; because,
 though erroneously, yet (a) they offered them be-
 fore the Lord: therefore they are hallowed. And for
 this I am sure, you haue Master *Perkins* firme in
 his post-humous Notes. Things consecrated er-
 roneously, may bee employed to the vse of Gods
 worship: yea the next heire of the Votarie, loo-
 seth all title to things so consecrated: and may not
 claime them from their generall intendment:
 though to him, if to any, they belong of right, in
 case there bee a nullitie of erroneous consecrati-
 ons.

a Num. 16. 38

ad Galat 3.

Object. Price of a whore must not bee brought
 into the Tabernacle.

Ans. That is, hire taken for her prostitu-
 tion to filthines: of *turpe lucrum*, God will haue
 no sacrifice. Ergo, not of goods honestly gotten
 by the votarie? 2. Besides, know you not that
 the case is ruled? that euen of vniust perquisites,
 something may redound to poore, something to
 Church, where the parties suffering wrong, are
 not; or are vnknowne; 3. But is your Whore,
 the Whore of Babylon? Me thinkes I smell you;
 I doubt our *Albe*, wherein wee minister, will
 heare no better from you, then the Whores
 smocke, though in vse long time before, Antichrist
 transferred it to his superstition.

Object.

Obiect. *This were to sit in th' Idols Temple.*

Ans. Vnderstand you what you say? To retaine the consecrations of Idolaters to Gods seruice, how is it more to grace an Idol, then to keepe vp Temples, wherein Idols haue beene worshipped, and apply them to the worship of God? S. Paul could distinguish, betwixt *eating an Idolothye*, and *eating it* (b) *as idolothye*. It may suffice, that they bee ^{1. Cor. 8. 7} diuerted to the worship of the true God, whether they were, in the generall ayme of the Donors, intended,

But *quorsum hac tam multa?* Its yeelded you *ex abundante* in explication of the fourth Argument, that such erroneous consecrations giue not God seizure in things deuoted. A new and holy consecration without error we haue of Tythes, and such like holy things; beside their ancient reseruatiō from the beginning, with that protestation of the Lord. (c) *Tythes are holy vnto the Lord*: what this Mome hath gayned by his quarrelling hitherto, the learned easily iudge. Proceede we therefore to our conclusion, which is thus propounded and explained, ^{Leu. 27.}

Tythes are the portion, at least, part of that portion, by Gods word allotted to Ministers for their seruice in the Gospel.

By Tythes vnderstand the tenth part of all the hearers increase: that is, to stoppe the mouth of the Cauiller, of his (d) *income* or *revenue*. Particulars ^{Pro. 3. 9.} may be read. *Leuit. 27. 30. Et alibi*: In a word, to vse the distinction of Canonists; whether they bee personall, of meere industry, negotiation, &c. or

prædiall, as of grounds, &c. or mixt, as of Cattell, the tenths of the whole income, not those of *Cummin & Annyse* excepted, fall within compasse of our subiect.

Obiect. *Part of the Portion: here is uncerteintie still, saith the Causiller.*

Ans. None at all. That part is our certeine Portion: other we haue; if you would know what: It is, whatsoeuer the regular deuotion of Princes, or people, shall please to adde as, an auctarie to our maintenance. *Zepperus de lege Mosaiica. lib. 4. cap. 40. Decima, pars sunt illius stipendij, quod ministri pro officij sui laboribus, diuino & naturali iure debentur.*

Quest. By Gods word allotted. *Intends Master Sclater without any ground of ciuill or ecclesiasticall ordinance?*

Ans. This Master Sclater meanes: though no ordinance of man should assigne them vnto vs. *Ip-sissimum Dei verbum*, hath made them ours.

In what Commandments?

Ans. As they are an honouring of God, so in the first: As they tend to preserue the publike worship of God, so in the second and fourth: As maintenance of our persons, so in the fift, being part of the honour due to the spirituall parent.

Obiect. *But without any point of Consecration?*

Ans. Though no consecration votarie had bin from man, yet were they ours by the word of God. Howbeit the lawes for such consecrations giuen in the word of God, hitherto belong, and fall within our whole of the word of God.

Of Tithes amongst Iewes we finde foure sorts.

1. Tithes of Leuites. 2. of Priests. 3. for lone Feasts:

Feasts: 4. and Tythes for the poore: hearevs in Hieromes termes.

1. *Anida*, hoc est, decimam partem omnium frugum Levitica tribui populus ex lege debebat.

2. Rursum ex ipsis decimis, *Leuita*, hoc est inferior ministrorum gradus, decimas dabat sacerdotibus; & hac est qua appellatur *dumprida*.

3. Erant quoque & alia decima, quas unusquisque de populo. Israel in suis horreis separabat, ut comedere ea cum iret in Templum in vrbe Hierusalem, & in vestibulo Templi: & sacerdotes ac Leuitas inuitarent ad conuiuia.

4. Erant autem & alia decima, quas pauperibus recondabant; qua Græco sermone appellantur. *σποδισμα*. Hieronymus: in Ezech. lib. 14. ad cap. 45.

Iosephus, though he mention three kinds onely, because he comprises the *secundance* in Tythes of Leuites, (perhaps hauing eye to those only payable from the people,) yet in effect acknowledgeth the *quadripartite* distinction; at least dischargeth not the people of their *tristerticall*; thus presenting vs the Law from the mouth of the Law-giuer. *Ultra duas decimas quas quotannis pendere iam iussit*, 1. *Alteram Leuitis*, 2. *Alteram in sacras epulas*, 3. *Tertia tertio quoque anno est conferenda, qua in egenas viduas & pupillos distribuatur*. *Antiquitas*. lib. 4. cap. 3.

Whether payment of festiuall Tythes were intermitted in the third yeare, as Mr. Selden would from the *Septuaginta* rendring *inferre*, is a question to our maine impertinent. Howbeit to mee it seemes improbable; for were they in that yeare freed from their appearing at Hierusalem: or might they in that

yeare appeare empty handed before the Lord? A Iustiti-um perhaps there might be in that respect for that Time. To the *Septuagint* I giue the honour due to them; but dare not preferre them to the text, as now extant with points; especially where the reading of th'originall is so constant and vnuaried. Besides who knowes not their manifold aberrations in matters of no small moment? as in that of the Chronologie in Genesis, wherein so many haue in vaine laboured a reconcilment. The obseruation out of their rendering must be confessed to be acute: yet hath in it rather wittie diligence of obseruation, then soliditie to build inference.

x If any make question of whether sort we dispute; Tythes we meane of that Nature with those payde to Leuites; which, perhaps, are therefore conuey'd to them in the terme of an (e) *inheritance*, because e Num, 18. the Lawgiuer would imply their perpetuitie, and lineall descent from Ministry to Ministerie vnto all generations. The why nots raised about other kindes, will best be answered in discussing th' objections.

Of these Tythes this is that we affirme. That by the word of God they belong for euer to Ministers of holy things; and therefore in these dayes to Ministers of the Gospel, who alone haue now to doe with publique ministrations of the worship of God. Our reasons are these. The first grounded on Heb. 7. 6. 8. *He whose descent is not counted from them, receiued Tythes of Abraham: and vers. 8. Here men that die, receiue Tythes: but there he receiueth them, of whom its witnessed, that he liueth.* Compare, Gen. 14. 20., The

The Argument which this Scripture affoord, hath received much disadvantage, by slender collection of many, thus onely pressing it. Tythes were paid to Priests before the Leviticall law was giuen. Therefore their payment is founded rather on Morall then Cæremoniall law. To which, answer is well giuen; that by as good inference, sacrificing of beasts may be prooued a moralitie, sith it was also in vse before giuing of the Law by *Moses*. That we may the better see the force of the Argument, let vs a little consider the frame and summe of the text. The Apostle by occasion of the peoples dulnesse, hauing digressed from *Cap. 5. 11.* to *Cap. 6. 20.* returnes to his purpose; that is, to shew the excellencie of Christs Priesthood aboue that of *Aaron*, by auouching him a Priest after the order of *Melchisedec*. The conclusion is this. Christs Priesthood is more excellent then that of *Leui*; or Christ is a greater Priest then any after *Aarons* order. The principall reason lyeth thus. He that is a Priest after th' order of *Melchisedec* is a greater Priest then the Priests after *Aaron*. But Christ is a Priest after th' order of *Melchisedec*. Ergo: &c. The *minor* hath first his prooffe. 1. From a testimony of *Dauid*, *Cap. 5. 20.* 2. From that absolute agreement betwixt *Melchisedec*, and Christ: the parts whereof are these. 1. As *Melchisedec* was King, and Priest of the most high God, so Christ. 2. As *Melchisedec* King of righteousnesse, and Prince of peace, so Christ. 3. As *Melchisedec* his parents, kintred, beginning and end of life are not recorded; so Christ, as man, without father, as God without mother, kintred, beginning, and end of life. Therefore

D 4

Christ

Christ is truly a Priest after th' order of *Melchisedec* :
verse 1, 2, 3.

The *Major* remains to be prooued, and that hath
 prooffe from *verse 4.* to 11. the summe whereof is
 comprised in this principall Syllogisme. If *Melchise-*
dec be greater then *Leui*, then he that is a Priest after
 his order, as Christ is, is greater then *Leui*. But *Mel-*
chisedec is greater then *Leui*. *Ergo*, &c. *Minor* proou-
 ued: Greater then *Abraham*, greater then *Leui* :
Melchisedec is greater then *Abraham* : *Ergo* then *Leui* :
Minor prooued. Hee to whom *Abraham* paide
 Tythes, of whom he was blessed, is greater then
Abraham. But to *Melchisedec*, *Abraham* paide
 Tythes; and *Melchisedec* blessed *Abraham*, *Ergo*, is
 greater then he. *verse 4, 5, 6, 7.*

A second Argument proouing the greatnesse of
 this Priest, aboue those of *Aarons* order, is laide
 downe *vers. 8.* A tyth-taker, that is, a Priest of whom
 its testified that he liues, is greater then a Tyth-taker
 that dies. But the Priest after *Melchisedec* is a Tyth-
 taker of whom its testified that he liues. Leuites take
 Tythes and die. *Ergo*, the Priest after *Melchisedec*
 his order is greater then the Priests Leuiticall. This is
 in my simple Logicke the disposition of the text. As
 for illustrations, or amplifications by prosyllogismes
 prolepses, or otherwise, I purposely omit them.
 Now me thinkes, the text thus naturally resolued,
 there should need no farther deduction of th' Argu-
 ment: yet that the simplest may see what footing
 Tythes haue here, thus I collect it.

The portion due to Christs Priesthood, is due to
 Ministers of the Gospel; Tythes are the portion due
 to Christs Priesthood. *Ergo.* The

The *Minor* is thus proued. The portion due to *Melchisedec* his Priesthood, is due to Christs Priesthood. *Reas.* 1. for that Christ is Priest after that order. 2. other things enunciated of *Melchisedec*, are true of Christ eminently & alwaies: as its eminently & alwaies true of Christ, that he is King of righteousness & Prince of peace: eminently and alwaies true of Christ, he is without parèts, without beginning & end of life, that he bleſseth *Abraham* & all his seed, &c. All these are more properly verified of Christ, then of *Melchisedec* his Type. Why not then also this euer true of him? *He taketh Tythes.* May we not assume? Tythes are the portion due to *Melchisedec* his Priesthood? 1. Paide they were by *Abraham* to *Melchisedec*, as due to his Priesthood. 2. In the Apostles Logique a Priest, and a receiuer of Tythes are æquipollents. In steed of saying, men that die *are Priests*, he saith, men that die *receiue Tythes*: In steed of saying, he that liues is a *Priest*, he saith, he that liues, *takes tythes*: as if, in his iudgmēt, Tythes and Priesthood were as inseparable, as kingdom, and tribute: The *Maior* of the principall Syllogisme if any doubt of, to wit, whether the portion due to Christ, be due to Ministers, let him compare, 1. *Cor.* 9. 14. where is th' expresse ordinance of Christ, *that Ministers should liue of the Gospel.* 2. Who in likelihood should be his receiuers, but those that are *in his stead*, as is said of Ministers, 2. *Cor.* 5. 20. 3. The same reason which the Lord assignes of *Leui* his sharing in things to himselfe referued, and sanctified, is true of Ministers, or else of none. God is *Leuites* portion. 1. Gods portion is *Leuites* portion; because they were taken to Minister before him. Why not then also Christs portion Ministers portion?

E

because

because they onely are assumed to Christ, to Minister in the Gospel. A reason for not Tything of so plaine deduction out of Scripture, if any can bring mee, he shall much sway mee to his sentence.

This Argument I remember once to haue propounded something otherwise, to this purpose. The portion due to the Priesthood after *Melchisedec* his order, is due to Ministers of the Gospel. But Tythes are that portion. *Ergo*, And thus propounding it, I receiued these answers.

Object. The proposition seemes vntrue, except you can prooue your selues Priests after that order.

Answ. Whereto I then answered, that though we be no Priests after that order, yet is there truth in the proposition, sith Christ the high Priest of our profession, to whom originally they belong, hath ordained vs to liue of his portion.

* A second answer was by limitation: the portion due [by Law] to that Priesthood, is due to Ministers: But with that limitation th'assumption is false: *Abrahams* payment being an act rather voluntarie, then by any iniunction from God.

* *Answ.* But that that act of *Abraham* was no act: in this sense voluntarie, but rather of necessarie and inioyned dutie, is euident (me thinkes) by these reasons. 1. For that gifts voluntarie, proceeding from bountie and liberalitie, imply a superioritie or excellencie in the giuer, aboue the receiuer. For *(f) its a more blessed thing in that kinde to giue then to receiue.* But *Abrahams* payment of Tythes was testimonie of his inferiority. 2. Againe, the phrase it selfe implies as much. *Melchisedec Tythed Abraham*; ver. 6. a phrase

f Aa. 20.
35.

phrase that looseth all his Emphasis, if no iniunction had subiected *Abraham* to a necessitie of being tythed. 3. What meane they when they say of *Abrahams* tything, it was done without law? would they be vnderstood of *Abrahams* fact onely? or of tything at large, as it was in vse before the Law written? Now sure I wonder how first *Abraham*, and then after him *Isaac*, should fall vpon a tenth, rather then vpon a sixth or twelfth part, if there were nothing prescribed in their times for tything? 2. How prooue they but probably that it was without iniunction of Law? if this be the reason, for that we finde no mention of any Law to that end giuen, by as good reason may they say of sacrifices, and sundry other actions religious, that they were arbitrarie; sith we finde no expresse mandate giuen of them in those times. But thus me thinks we may better reaso from their practise to an iniunction; these facts of theirs were approoued of God; therefore not done without iniunction from him. Thus farre I suppose, this Argument cleared. Volumes of new cauills are behinde; which makes mee thinke it hangs much in the teeth of opposites.

Obiect. Thus is my Cauiller. Yeeld for a while Tythes due to the Priesthood of *Melchisedec*: will it thence follow they are due to *Christ*?

Ans. We shall tell you anone, when we haue learnt your meaning. What is your meaning, by thus yeelding them due to the Priesthood of *Melchisedec*? meane you the Priesthood after that order? Then it followes that they are due to *Christs* Priesthood: for his is *Priesthood* (g) *after the order of Melchisedec.*

g Heb. 6.
20.

Perhaps that's not the meaning ; but you suppose them due to *Melchisedec, ratione sacerdotij, non talis sacerdotij* : or *ratione Typica*.

Ans. Choose whether you list . If *ratione sacerdotij*, then to Christ also ; for in him is *sacerdotium*. And if this bee the formall reason of Tythes-object, *quia* and *quâ sacerdos*, then they are euer due to Christ, because that reason is perpetuall in him : *Hee is a Priest for euer.*

If *catione Typica*, then you demand : *must all things be verified of the truth, that of the Type, and that according to the letter ? then all that belonged to Aaron, or Sampson, must be true of Christ.*

Ans. All and euery thing belonging to the Type, as a Type, must be verified of the Anti-type with this distinction, either litterally, or mystically ; not all litterally, nor all mystically : what is not litterally, must bee mystically ; what is not mystically, must be litterally. And that you may see similitudes of heauenly things, and Earthly their Types, hold, some, after the letter. Reade what is said of the high Priest of Iewes as he was Type of Christ. (*b*) *He enters into the holy of holies not without blood* : As he into the holy of holies, *so Christ into heauen* : that verification is mysticall. As (*i*) *he not without blood* ; So *Christ not without blood*. That is literall. *Melchisedec* brought in as Christ type in the story, without father and mother. Is not this eminently true of Christ after the letter ? *Melchisedec* without beginning or end of dayes : this also litterally verified. Though then all things true of the Type *materialiter sumpto*, are not necessarily true of the *Antitype* ; yet as many as belong

b Heb. 9. 7.

i Ver. 23,
24.

belong to the type *formaliter* taken; as a Type, must, with that distinction be true of th' *Antitype*. And what is intended to be verified mystically, must so be verified in the truth: what is meant to be literally accomplished in the *Antitype*, must so be fulfilled.

The questions then are two. 1. Whether in taking Tythes *Melchisedec* was Type of Christ? 2. Whether that part of the Type be verified literally or mystically by th' Apostles doctrine?

That in taking Tythes of *Abraham*, *Melchisedec* typed out Christ; heare Mr. *Iunius* in *Gen. cap. 14.* *Ad intelligentiam illius Typi & accommodatorem eius, duo maxime observanda. Nempè tum in ijs qua dicuntur a Mose, tum vero in ijs qua reticentur, constitui Typum. In ijs qua dicuntur; ut cum dicitur Melchizedec, id est, Rex iustitia: Rex Salem: id est, pacis: Sacerdos Dei Altissimi, benedixisse Abrahamo, et decimas accepisse. In quibus omnibus Typus Christi expressus observandus est, &c.* What needes Testimony, when the Text affirms, the Tything of *Levi* by *Melchisedec* in *Abraham*, prooves authentically th' inferioritie of *Leuiticall*, to Christs Priesthood.

That it is not mystically, but literally to bee fulfilled in Christs Priesthood, who can denie? for where is the mysticall Analogie betwixt this Act of *Melchisedec* Typical, and Christ; as in his beeing King of *Salem*, and *Melchisedec*; verified this must be of Christ, either literally, or mystically: not mystically, *Ergo*, literally. And see if the text say not so much. (k) *He takes Tythes that lives ever*: Who is that? *Melchisedec*. as the Type; Christ as the Truth.

Eminently its true of Christ after the letter, he liues euer; And he liues euer with this Epithete, to bee a taker of Tythes.

Obiect. *Nay, you say, The Spirit hath made answer for you against such wresting; because hee hath omitted to describe Melchisedec, or Christ to be a Tyth-taker. Leui indeede hath that Emphaticall Title, to be a Tyth-taker: Melchisedec hath no more but (He.)*

Ans. No more but He. Is that the matter? but its that (Hee) to whom, what is said of *Leui*, must be *ἐν Χριστῷ*, applyed: else 1. the sentence gapes: and 2. *Paul* failes in his comparifon. There, that is, in *Leuiticall Priesthood*, men that dye, take Tythes: here he, of whom its testified that he liues, must not that (He) haue (takes Tythes) applyed vnto him? as vers. 21. *These Priests are made without an oath: But this with an oath*: What was this (with an oath) but made Priest?

Obiect. *Melchisedec tooke once; followes it that Christ must take euer? Apage.*

Ans. That but once you will neuer prooue. And 2. May not one Act transient, being Typicall, signifie a perpetuall act in Christ, as well as the manie Entrings of th'high Priest into the Holy of Holyes, Christs once entring into heauen? *Prob.*

Obiect. *Christ by this meanes claimes from his Type.*

Ans. *Apage.* How more Tythes from *Melchisedec*, then kingdome from *Dauid*? His grand Title to Priesthood, and kingdome, is Gods decree and ordination. The signification thereof in the Types, yet necessary it is, that th'Antitype should
answer

answer exactly to the Type; *ut supra*.

Obiect. *But thinkes any man they were due to Melchisedec or his Priesthood?*

Ans. Any man? I dare say thousands after th' Apostle, and except your selfe all men of iudgement. *Calvine; Quod debebat Abraham Deo soluit in manum Melchisedec.* They were therefore due debt from Abraham. *Ius sacerdotij illius subindicat aterna esse durationis: Hoc autem ideo additum est, ne videatur posterior lex (ut moris est) priori quicquam derogasse.* *Calvin. ad Heb. 7.* There was then a Law for their payment to Melchisedec. *Innis ad Heb. 7.* Melchisedec ab Abrahamo Decimas non dubitavit accipere, fretus autoritate Dei; et ex ea rite perfungens Sacerdotis officio. Authority then Melchisedec had to take; therefore Abraham præcept to pay Tythes.

Obiect. There was no præcept.

Ans. None read or exprest in so many letters and syllables: Nor any for Melchisedec to use function of Priesthood. Thinke wee therefore hee did it without calling?

Obiect. *The act was voluntary in Abraham.*

Ans. How vnderstand you voluntary? willingly performed: so did Paul preach the Gospel willingly: that Act of preaching was in Paul voluntary: yet (1) *Woe had beene vnso him if he had not preached the Gospel.* *11. Cor 9. 16, 17.*

Obiect. *Not so; but voluntarie, as matter of kinnesse, courtesie and bountie.*

Ans. As some almes belike to the poore King of Salem: for such you would haue all that's now payd to Ministers of the Gospel. But oppose you voluntarie

tarie to matter of inioyned durie? then say I, payment so voluntary in *Abraham*, could not testifie his inferioritie to *Melchisedec*. No payment, except of duty, is testimony of inferioritie. (m) *Abrahams payment of Tythes to Melchisedec, was testimonie of inferioritie*; therefore it was payment of duty. You mistake if you conceiue it said, that all payments of dues imply inferioritie of the payer. Nor so: But no payment, except of durie, testifies th' inferiority of the payer. What haue we now to doe with Kings paying wages to seruants? and such like prattle. Its still true; except *Abrahams payment to Melchisedec*, had beene of duty, it could be no testimony of his inferiority. Compare *Rom. 13. 5, 6.*

Obiect. *They were not payde of all, nor of his owne, nor often. Therefore not due by any Law of God.*

Ans. All vncertaine. *Of all*, saith *Moses. Gen. 14. 20.* that is, saith Master *Calvine*, reasoning from circumstances of the text, of all his owne substance, and that commonly: for it is likely, hee that had sworne to (n) *take nothing from a thred to a shooe-latchet*, for his owne enrichment, would at another mans cost offer vnto God? It was a *Piculum* vnto *Dauid* to offer vnto his God of that which cost him nothing. 2. *Sam. 24. 24.* And as great scandall had *Abraham* incurred amongst those Heathens, by performing his Deuotions at their charge, as by taking of theirs, for his owne enrichment. 2. But how followes the Argument? if but once, nor of all; *Ergo*, not by Law.

Ans. *q. d.* *Abel offered but once*, for ought appears; *Ergo*, without law. And yet by faith hee offered.

offered. *Heb. 11. 4.* therefore not without a word of God.

Melchisedec tythed Abraham; if Tythes were not due, where is the Emphasis of the phrase?

Ans. Surely quite lost: for it imparts a *ius* in Melchisedec to take; therefore a *debitum* in Abraham to pay them.

This is all one as to say, a Tyth-taker for a Priest: Tythes and Priest-hood, are as inseparable as Kingdome and Tribute.

Ans. Euen so. That description of Christs Priesthood by the *ius* of Tything, hangs in your teeth. Giue me a reason of that trope; putting Tyth-taking for Priesthood, and see if it enforce not my inference. Priesthood and Tythes are as inseparable, as Kingdome and Tribute. *But doe Tribute and Tythes match?*

Ans. Yes, in the point of inseparability from their subiect: As Tribute to Kingdome; so Tythes to Priesthood are inseparable. Will you stretch your comparison further? you wrong your Authour, and forget your rule; *similia claudicant.*

But how a good-yearre fell Abraham and Iacob upon tenths without iniunction? Forsooth Iacob by Abrahams example: Abraham by speciall direction from God.

Ans. By speciall direction? likely some inspiration: but had that direction the force of an iniunction? then was Abrahams act of duty, and not arbitrarie.

For sacrifices, their use held by tradition.

Ans. By tradition? Now how a good-yearre comes

comes tradition in to bee the ancient Rule of worship? Tradition, selfe-devised custome, without a præcept from God. 2. Tradition wee yeeld it was, in a sence, as matters of faith and worship were all traditionary, till the dayes of *Moses*: that is, they were deliuered from father to sonne, without writing: so was that, that *the (o) seed of the woman should breake the Serpents head*, &c. In that sence Tradition: but what is not also a diuine reuelation? So tradition that sacrifices should be offered: but was not the præcept extant for the matter of sacrifices? of *cleane not uncleane beasts*. 2. for the qualitie; of the *best*, not of their *refuse*? How else sinned *Cain* in bringing such a sacrifice? And is not *Abel* said, *(p) by faith so haue offered a better sacrifice*? and is there faith without a word of God?

6 Gen. 3. 15

7 Heb. 11. 4

9 Rom. 4. 15.

Thus I conclude. *Cain* and *Abel* had sinned, if they had not brought sacrifices: *Cain* did sinne in bringing such a sacrifice: therefore there was a Law for sacrifices, and the qualitie of them; for the rule is of perpetuall truth, *(q) Where is no Law, there is no transgression*. Likewise, *Abraham* had sinned, if hee had not payde Tythes to *Melchisedec*. Therefore that bound *Abraham* to pay Tythes to him. For where is no Law, there can be no sinne.

But how followes it on all this ground layde, that Ministers must liue of Tythes.

Ans. Because they are ministers of holy things; therefore must liue of Christs portion; and that Portion is Tythes.

But that place. 1. Cor. 9. 14. speakes not of Tythes.

Ans. 1. It will trouble you to prooue, that it implies

implies not Tythes, though it expresse them not: That (So) and (*Christ hath ordayned*) remitt vs to Tythes, or else to no certaintie. 2. But *quid hoc ad rem?* That text is not, in this passage, alledged, to prooue Tythes our portion, saue onely vpon supposal; that Tythes are Christs portion. That granted, sith Christ hath made his Portion, his Ministers Portion, the Texts alledged will prooue Tythes the Ministers: *Deo gratias*; I haue done with a Tisler. I come now to satisfie my learned friend in his *quare* about this Text. Thus he.

Truth is, that if we take the seventh of th' Epistle to the Hebrewes as it is alone, without reference to whom it was written, and after what manner, and obseruing how th' Apostle (as in other things) workes vpon the present opinions and state of the Iewish Church, by that pia vafrities (as some call it) the Arguments for the right as Dr. Sclater hath resolved them into Logical forme, are such as he that answers them, might answer the prooffe of any Truth. Doubtlesse, he that herein answers Dr. Sclater, answers more then all the rest of, &c.

Ans. Take wee it therefore with all references possibly imaginable; and consider any circumstance probably competent to be considered; yeeld also th' Apostle to vse, if not that *pia vafrities*, yet his prudence in working vpon the present opinions of the Iewes; what I wonder, may any these references, or obseruings affoord, to crosse th' Argument heere founded. Particularize the references; 1. He writes to *Hebrewes*, become Christians. 2. Confessedly infirme in iudgement touching abrogation of Leuiti-

call Law; and adhæring too much to their first rudiments. 3. opinioned, as truth seemes, that Ancient præcepts Mosaicall still bound the conscience, after exhibiting of the Messiah. What, to our maine, will all this afford to nullifie or disable the Argument here grounded? His *pia vafrities*, if it be conceited after *Erasmus*, his working vpon aduantage of their misconceits, and errors of iudgement, hath here I dare sweare, neither vse, nor footing. For what is in all this passage misconceiued by those Christian Iewes? whereout *Paul* should strayne his conclusion of Christs superioritie, to Leuiticall Priests? *God*

7 Heb. 7. 21
f Ver. 7.
1 Ver. 8.

(r) *sweares him a Priest after order of Melchisedec*: And (s) *without controuersie, the lesse is blessed of the greater*; (t) *To speake as the thing is, Leui was tyed in the loynes of Abraham*, sauiour any these asseuerations of *Pauls* working on misconceites.

His prudence it was to ground his conclusions on Scriptures, and Propositions thereof, confessed by Iewes as true; yet truely so confessed; and of force to afford him, out of their reall truth, and intention of the inspirer, whatsoeuer inference he makes from them: so was it our Sauours, out of *Moses* writings to conuince (u) *Sadduces*, in th' Article of the resurrection: yet was there truth in his ground, and by vndeniable sequele issues his conclusion out of the præmisses extant in *Moses*. When *Paul* at Athens alledgeth testimony of *Aratus* the Poet, (w) *τὸ πρῶτον τῶν θεῶν ἑστίν*, we acknowledge his prudence impleading them from their owne Authours: yet dare not thinke him so impiously *vasser*, as to lay for ground an erroneous conceit: or so imprudent a disputer, as to build

u Mat. 22.
31, 32.

w Act. 17.
28.

build his conclusion on a ground, from whence the Argument had not apparent deduction. I presume, this curt answer affords so learned and friendly an inquisitor, large satisfaction. Proceede wee therefore to the other Arguments.

I thought, you see I thought, I had ended; and that the mouth of all Calumnies against this Argument had beene stopped; when at last I am minded by a friend, that the *grand Syllogismes labour of two foule maladies, contradictions, and begging of the Question.*

Yet cannot be evidenced any change of tearmes, or so much as of affection of any tearme in the state: neither is either proposition tendred without prooffe to any mans credulitie; nor without something, *primum* and *notum in se*, and vertuall enough to inferre the conclusion. Faire answer expect to your exceptions; howsoever, carried with tartness more then is meete, and elevation no lesse sometime then musterrificall.

This is the frame.

The Portion due to Christs Priesthood, is due to Ministers of the Gospell.

Tythes are the Portion due to Christs Priesthood.
Ergo:

The *Minor* is thus prooued.

The Portion due to *Melchisedechs* Priesthood, is due to Christs Priesthood.

Tythes are the Portion due to *Melchisedechs* Priesthood. *Ergo:*

The Propositions (you say) are both Sophisticall, because not propounded in fit tearmes to inferre the conclusion:

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clusion: besides, haue in them a begging of the question, presuming of that, which in good Diuinitie is not to bee granted. And th^e assumptions are both false.

But why, I wonder, are the tearmes vnfit, beeing two of them the same without æquiucation, wherein the conclusion is propounded; and the *mediū* another, no whit homonymous, and applicable both to prædicate and subiect?

Forsooth, the true tearmes are these:

The Stipend or Wages due to Christs Priesthood, is due to Ministers of the Gospel. And

The Stipend or Wages due to Melchisedechs Priesthood, is due to Christs Priesthood. Sounds Stipend with you nothing but base Wages?

a Remicium
in Psalmos.

Emendemus in Melius: (a) hee was no Dunse that obserued, there is *emendatio in peius*. These tearmes are neyther truer, nor true; nor fitter, nor fit for the question: Truth is, fit for his purpose onely, who meanes to leaue the purpose, and to set vp a shadow for himselfe to fight with. Could you, could any thinke, that in my tearme of Portion, which is part of Temporalties allotted, I should intend Wages? such as is payde to Hirelings, Mæchanicall Artisans, or men of like employment: or if you take my other tearme of *Premium*, or Recompence, was it intended, trow you, a Wages æquialent to the Worke?

I euer meant it an Honorarie, allotted by God, to be rendred from men, in acknowledgement of the vertue, excellencie, worth of Christs Priesthood, and his Ministers Worke, who are employed by him in the commemoration and application thereof vnto
the

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the people. This is *καλὸν, καὶ ἀγαθὸν ἐκδοῦναι*, of that tearme: that other is *vasra*, and *πονεῖν*. Where now is my *Petitio principij*? or what is that, so abhorrent from the grant of good Diuinitie? Forsooth, I presume there is a set Stipend or Wages belonging to the Priesthood of Christ, and Melchisedec.

Surely I neuer presumed it. Wages said I euer in all my Sermon? The terme is strange to me. Marry this I presume, and yet am not presumptuous, That there is a set or fixed Honorarie belonging to the Priesthood of Christ, and Melchisedec. Will your Reasons force me to thinke otherwise? then I sit downe.

Thus they are. 1. *Christ needes none.* 2. *Hee requires none.* 3. *None can be assigned him answerable to his Worke, beeing a Worke of satisfaction for the sinnes of the whole World, a Worke of infinite Merite.* And for Melchisedec and his Priesthood; *Sith*, 1. *None due to Christ.* 2. *Sith Scripture silens for any probabilitie of any such thing.* 3. *Sith it affords more then probabilitie to the contrarie: because hee a King, therefore, 1. not needing it: 2. therefore bound rather to giue to his Subiects and Familie, then to take Wages from them: Yea, 3. Its euer counted base in a King, to take Stipend or Wages of Forreiners, or his owne Subiects.* Ergo,

Quorsum all this? what needes so much adoe among friends?

Answ. Its not Wages we enquire of, but the Honorarie of the Priesthood. And of it, who dares auow, there is none due to Christs Priesthood?

How feare I, least applying your Arguments to

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that Conclusion, which is the onely you must insist on, I shall expose them to scorne, and make them appeare such, as you affirme mine, weak as water, light as feathers, not worth strawes, or the dust adhering to them.

I.

Resp. What if *Christ* neede no honorarie to be rendered from us? therefore is none belonging to his Priesthood? Though *God* (*b*) neede not *Bullocks* nor *Goates* in Holocausts, or Thanks-offerings, were they therefore not to bee rendered from *Iewes*? Though *Christ* needes not *our Lands*, or *Linings*, or *Lines*, yet, in case of *Confession*, (*c*) can they bee but impiously denied him? Who knowes not as much as *Peter Lombard* in this case, that all our seruice of *God*, inward, outward, redounds to ours, not to *Gods* behoofe? Belong they not therefore to our *God*? *Christ* needes not take: yet its our *opus* and *usus* too to render him outward, inward seruice and sacrifice.

When *God* calls to *Iewes* for *Tythes* vnder name of (*e*) *his owne*, that there might be *meat* in *his House*, no man is so mad to thinke of the liuing *God*, as is fabled or storied of th'*Idol Bel* and the *Dragon*. Yet must there be meate in his House for them to whom the ministracion of his seruice was then committed. And though *Christ*, for his owne Person, now needes not this Honorarie, yet needes hee it in his Deputes and Assignes, whom he hath (*f*) put in his stead, to commemorate and apply the vertues of his aeternall Priesthood, and to keepe in life and being, the Spirituall Priesthood, exercised by all *Christians* in the state of this life.

And

6 Psa. 50. 9.

10, 11, 12.

8 Mat. 10.

37.

4 Psa. 16. 2.

Iob 22. 2, 3

6 Mal. 3. 8.

f 2. Cor. 5.

20.

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What need I now proceed to particular answer, to what concernes *Melchisedees* Priesthood? The Scripture affords more then probabilitie, prægnancie of prooffe for an Honorarie due to that Royall Priest, and Priesthood. Neither was it base, but honorable to that King of *Salem*, to be inuested as well in the Honorarie, as in th'Office of that Priesthood. Will you now ioyne in the close for the Honorarie, as you professe to doe vpon supposall of Wages? If *Melchisedec* receiued Wages, then you graunt, it should be perpetuall. What if he receiued th'Honorarie, will you then graunt, must you not graunt, that it should be perpetuall? *Inngamus dexteris*. This little explication hath wrought our harmonie in iudgement for the maine.

Must wee yet buckle about th'assumptions? What thinke you? are they yet *both false*; and againe, you say *false*, twice false, if my portion be not *Merces*, but *Honorarium*? What if there be *no proportion betwixt the worth of Christs Priesthood, and Tythes*? Therefore not the Honorarie of his Priesthood? What though no proportion betweene the *spirituall things wee sowe*, and the carnall, wee reape from the people? *Ergo*, (o) Carnals no Honorarie due to Ministerie for Spirituall? What though no proportion betweene the (p) *Quiet and Godlinesse and Honestie we liue in by meanes of Kings*, and the (q) *Tribute and Custome* wee render to those Earthly Gods? Therefore not the Honorarie of Regalitie? I say not yet as you to me, *Apagesis*. Yet I aduise, make no such inferences. How vaine are they? who sees not their vanitie? To say truth, how were they Honoraries, if there

1. 1. Cor. 9.
11.
2. 1. Tim. 2.
3.
4 Rom. 13.
7:

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there might be found meere paritie or proportion betwixt them?

As to what is talked of *Abrahams paying Tythes, as Wages, to Melchisedec*, and the disproofe thereof: Alas, its naught to purpose. We talke not of Wages. Whether the scrupulous Gentleman you mention, be the Cauiller I deale with, in my review, I know not: but finde you both iumping on the same Conceits and Reasons in refutation. I referre you therefore, for farther answer, to what is said to him in my replie: And for more full satisfaction, to what is scholied by my much reuerenced friend & *quondam* Colleague M. *Mountague*, in his answer to M. *Selden*. Yet, that I seeme not slightfull of such a friend, or willing to leape ouer Reasons for defect of answer, Thus briefly to your Reasons bent to prooue, Tythes not payde by *Abraham to Melchisedec* of dutie, or as you would bee vnderstood, *ex debito Iustitiæ*.

1. *No Couenant betwixt Abraham and Melchisedec: Ergo not payde ex debito Iustitiæ.* 2. *This act of Abraham was an act of Pietie and Denotion; Ergo, not of Iustice.* 3. *Had it beene imposed on Abraham by Law, all the Grace and commendation of it had beene lost: for Law and Grace fight.* 4. *Iacobs Tything, being of the same Nature with Abrahams, was voluntarie, saue for his Vow.* 5. *Scripture expressly anowes Melchisedec had no Law to take; Ergo, nor Abraham command to pay Tythes.* Thus is your Breuiarie.

But doth onely Couenant and Compact breede *Ad. 1.*
Debts of Iustice? Doth not also Commandement?

Doe

Do not Benefits ? &c. What Compact I wonder
twixt Parents and Children, to oblige the Childe to
obedience and maintenance ? A Commandement
there is (r) *to honour*, that is, to sustaine the Pa-
rent ; and its (s) *Sixum*, saith Paul, without Coue-
nant, *to obey in all things*.

Ad. 2.

What ? *Because an act of Pietie, therefore not of Iu-
stice ?*

Ans^w. Know you none but ciuill Iustice passing
betwixt man and man ? Haue you forgotten, that
there is *vniversalis Iustitia*, binding to render *Cuique
quod suum est* ? Not onely to Neighbour and Caesar,
but vnto God, what belongs vnto him ? Is not Pie-
tie a part of this Iustice ? Is it not exactest Iustice,
which bindes to render dutie to our God ? Why
make you things fight, that are coordinate or subal-
terne ?

Ad. 3.

1 Gen. 22, 3

And loose *our Offices their Grace, which are done by
commandement* ? Had not Abraham his (t) *com-
mand* to offer Isaac ? or euer passed act from him, by
which hee receiued more grace or commendation
from God, then this of offering his sonne Isaac ?

* Verſ. 12.

16.

w Lam. 2, 23

Gaue not this the (u) *hent* to that excellent com-
mendation, and ratifying of enlarged Blessing ? By
this, wonne he not the style of (w) *Gods friend*, the
greatest *encomium* God euer gaue man ? Remem-
ber you not the vsuall *Quare*, whether muchnesse
of obligation winne not grace to the performance ?
or the resolution ? *Vbi maior obligatio, maior accep-
tatio* ; because *melior est obedientia quam victima*.
I spare censure of your mis-applying Scriptures, in
this and other passages. I wonder, I sorrow at it.

But

But am vowed to keepe close to substance of Answer.

And was it not in *Iacob* an act of Iustice, setting *ad. 4.* apart consideration of his Vow? No: For hee makes Tythes the master of his Vow, which hee ought not to haue done, if they had beene enioyned by any Law of God. You will not say so of th'other part of his Vow, as I suppose.

But meane you good earnest? Thinke you it soothly true which *Bellarmino* saith? *Impium fuisse Iacobo uovere Decimas, si absolute fuisse obligatus eas soluere*: Is it your opinion, That no Vow may passe on any matter, whereto wee are obliged absolutely, that is, by peremptorie Præcept? when vnder *Nehemiah*, Princes, Priests, People, made (x) Covenant, and *x Neh. 10.* entred into a Curse, to walke in Gods Law, giuen by Moses, &c. Suppose you they erred in the matter of their Vow? were they not absolutely bound so to doe? were they impious in so vowing? when vnder *Jeremie*, They (y) covenant to manumit their seruants, *Jer. 34. 2.* according to the Law; mistake they the matter of a *13. 14.* Vow? were they impious, in so obliging themselues? Is it so impious, to adde to the Bond of Præcept the Obligation of a Vow?

Laxe, you say, such Promises may be called Vowes; properly not Vowes. A Vow properly taken, is of some ceremonious worke in the Old Testament; of some eternall and corporall exercise in the New; which who-soeuer affirms to be Morall duties, doth himselfe more iniurie, then he is aware of.

Ans^r. Sir, you minded mee in the ingresse, of Sophistrie. Truly, truly, I haue forgotten much of
f it;

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it; and count that forgetfulnesse halfe as vertuous as the Athenians *dianda*: Yet prettie well remember my Logique Rules; amongst which, this was wont to be one Authentique: *A negatione vnius speciei ad tollendum genus vniuersum non valet consequentia*. Its no man, therefore no animal; thinke you that good consequence? Its no Vow of things left to our choise to doe, or not to doe; therefore no Vow at all? suppose you that good consequence? then farewell all Logique. The Act of Vowing passeth as lawfully, as properly on things commanded, as on those left Arbitrarie. What vse Vowes of inioyned duties haue, you are not to learne; and may see remembred by me, in answer to that Argument of *Bellarmino*. Giue vs now what differences you please of one and other sort of Vowes, whiles religious promise may lawfully be made to God of performing what he commands, the Argument will neuer proceede. Tythes were vowed by *Iacob*, therefore not commanded of God. Thus I conceiue. A Vow properly so called, is a religious promise made vnto God; is of two sorts, according to diuersitie of the matter: There is a Vow of things commanded; and a Vow of things arbitrarie. Both are properly Vowes, howeuer differenced by substance, or circumstance: therefore proceedes no argument from negation of one *species*, to remouall of the vniuersall.

Ad. 5.

Expresse Scripture you haue, auouching *Abrahams* payment to haue beene without iniunction, *Heb. 7. 5, 6.*

Ans. Expresse Scripture? then lay I my hand vpon my mouth, neuer more to open it to that assertion.

But

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But are you sure Scripture speakes it, and speakes it expressly? When *Paul* said (x) *Leui* had commandment to tythe his Brethren, denied hee *Melchisedec* ^{3 Heb. 7.} ^{5, 6,} had like warrant to tythe *Abraham*? Say, I beseech you, in sober sadnesse; say as Conscience dictates: as the Text leades you. Is this (indeed) made difference, to prooue superioritie of *Melchisedec* to *Leui*; that *Leui* tythed by Law, *Melchisedec* without Law? Where doth the Scripture expresse, or but imply that? yea, doth it not imply the contrarie? What intends the Apostle, in comparing the tything of *Leui* with that of *Melchisedec*? but apertly to proue *Melchisedec* superior to *Leui*, euén in this honour of Tything? or trow you, this prooues a superioritie in *Melchisedec*, to take without Law, whereas *Leui* takes according to Law? Say, I pray, whether is the baser Tenure? that by Law; or that by Curtesie, and at Will? I should thinke, that at Will. And if *Leui* tooke by Law, *Melchisedec* but of Curtesie, *Leui* sure had the preheminance. Farre be it, the Apostle should bring argument to ouerthrow his intention. Truth is, the comparison there entred, lyes onely in the Subiects tythed, not in the ground of Tything. *Leui* tythes Brethren: *Melchisedec*, the Patriarch and chiefe Father of those Brethren, is therefore more excellent then *Leui*; inasmuch, as the very Prince of their race is subiected to his Priesthood, and bound to render the Honorarie thereof.

If you now shall aske, what *Paul* meanes to mention the Commandement or Warrant giuen *Leui* to tythe his Brethren: thus I should conceiue: That

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whereas Tythes originally belonged to the Priesthood of Christ, typed in *Melchisedec*, a Law was necessarie to assigne them to *Leui*, and to make him capable of that honour; inasmuch, as without this speciall Law, *Leui* could neuer haue made clayme or title to that honour, which firstly was settled on the Priesthood of another Order. So, that vpon the point, the difference stands not in Tything by Law, and without Law; or, better to expresse my selfe; Law is not here opposed to no Law, or *inunction to vltionousnesse of Tything*; but rather *this Law for Leui*, to *originall right: Melchisedec tything Abraham* by Right, or Law originall: *Leui* his Brethren, by Law speciall, and graunt for the time: To which end, particular Law was requisite, to inuest that Priesthood in the *ius* of Tything, which before was settled, as on the foundation in the Priesthood, after another Order.

The second Argument hath ground, *Galat. 6. 6. 1. Tim. 5. 17. Prov. 3. 9.* where wee reade thus. *Let him that is instructed, make his instructor partaker of all his goods.* And, *Elders that rule well, are worthy of double honour, especially they which labour in the Word and Doctrine.* And, *Honour God with thy substance, and with the chiefe of all thine increase.* Out of which Scriptures, thus wee reason: If there be a portion to be set out vnto God and his Ministers, out of all and euery the temporall goods of euery one instructed, and no certaine portion to bee found in Scripture, but Tythes; then are Tythes the portion allotted by Gods Word, to Ministers, for their seruice. But there is a portion

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to be set out vnto God and his Ministers, out of all the temporall goods of euery one instructed, and no other certainty mentioned in Scripture. *Ergo*, Tythes are the portion allotted by Gods Word to Ministers for their seruice.

The consequence of the proposition depends vpon this ground, That some certaintie is by Scripture allotted to Ministers for their seruice. Hereof if any demaund prooue, let him consider these:

1. The Lord allotted a certaintie vnto first borne, and Leuites. And thinke wee it probable, hee would leaue Ministers of the Gospel to a competence indeterminate. 2. In other cases th'Argument goes current. The Lord prescribes for the old Tabernacle all things necessarie, euen to the Beesome and Ash-paſſe; not a Pinne in the Tabernacle, but what hath his præscript from God. Of this wee may say, its not a Pinne, but a *Clauus Trabalis*, one of the master Nayles in our Tabernacle. And thinke wee his Word so sufficient, and absolutely exact for all necessarie præscripts, yea, circumstances, concerning Worship, Gouernment, any thing; and this onely, a matter of so great consequence, left vnpræscribed?

Lastly, if no certaintie, in this kinde, can be found in Scripture, how wilt thou bee able to share out vnto God, his portion in faith? so that thou mayest bee able to say, I haue given the Lord that portion of my Goods, which hee requireth of mee. Can wee doubt, whether God hath reserved in Christians possessions, his sanctified portion? Reade, *Prou. 3. 5.* Forsooth the Magistrates deter-

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mination shall in this point be the leuell and rule of Faith.

Bess. 1. Then must thou bee able to shew, that God hath made Magistrates in this point his caruers, which is vnlikely, *ut supra*. Suppose Magistrates make no prouision, as hath befallen many states of the Church; imagine them Sacrilegiously rapinous; where is then the direction for thy Faith? Suppose they shall allow *Micha's* allowance, wilt thou therewith rest content? then haue our Lay Parsons Faith well guided, Consciences rectified. (x) *Tenne Sheekles of Siluer, and a Meales meate, and Linerie*, they affoord Sir *Iohn*. In Faith thinke wee? Surely, according to the Magistrates prouision. And why blame wee any more impropriate Parsons, for so scant allowance? Perhaps, because not competent. Yea, but the Magistrate thinkes it competent. And that is, in this case, the Line of Faith. *Credam? non si mihi, &c.*

* Iud. 17.
10.

Touching the *Minor*: For the first part, see, *1. Cor. 9. 11. Prov. 3. 9. Galat. 6. 6.* In which place, yee haue it in so many tearmes: *Let him that is instructed, make his instructor partaker of all his goods.* For the other Branch of it, That no other portion certaine is to bee found in Scripture; I meane, which hath not apparent signification of something peculiar to the state of People vnder *Leui*, as First fruites, share of other Sacrifices; will appeare to any man, that will be pleased to enter induction of particulars. And may I not then conclude, Tythes are the portion allotted

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ted vs by the Word of God ? Yea, what if I should say, Tythes are in some of these places more then obliquely pointed at ? What meanes the Apostle to call for maintenance vnto Ministers, vnder the tearme of double honour ? For that by (y) *honour*, hee there meanes maintenance, the reason annexed will make a blinde man see. Saint *Hierome* hauing deliuered his iudgement of the place, *Malac. 3. Bring all my Tythes into the Store-house*, in these tearmes, *Ecclesia populi Præceptum est dare Decimas*, alleadgeth præsently this place for prooffe. *1. Tim. 1. 17. Elders must haue double honour.* 2. What meanes the Apostle by that Epithete (double) annexed to honour ? Say some, large and liberall. But why double, rather then treble, if hee meant large at large ? Doth hee not rather, in that phrased of speech, send vs to consider the double portion of the first borne, (z) *into whose roome Leui was assumed* ? and that which made their portion double, in likelihood was Tythes; as may hereafter, on a new inquirie, perhaps appeare. 1. Tim. 5. 17. 16.

What sayth my learned friend to this Argument ? may it passe currant ? *All may be granted; without praiudice to your Aduersaries assertion, forasmuch as these wordes are left out, which are energeticall, and wherein the whole state of the Question lyeth; which are, one onely set particular and perpetuall portion. For say, that some certaintie be allotted by Scripture to Ministers, for their seruice; yea, that it is to be set out of all and enery the temporall goods.*

goods of every one instructed; and that there bee no certaintie expressed, but Tythes; and Tythes bee the portion, for the present, allotted by Gods Word for the Ministers service: what is all this to the purpose, if this certaintie bee alterable in it owne nature; and that another (that being remooued) may without sinne, bee placed in the roome and stead thereof, the contrarie whereof, is not by this Argument proued? for all that is, or can bee concluded thereof, is this, that Tythes are the portion allotted by Gods Word to Ministers (of the Gospel) for their service; which no man doubteth of. The question is, whether they be the sole and perpetuall Portion, yea, or no.

Ans. Sir, in my Sermon, when I vttered and penned it, I dealt with Layickes; wittie enough, some of them, to iudge of a Consequence, though not much skilled in forme: I haue now to deale with a Clericke (too popular I feare mee) and will afford him forme præcisely; yet with this prouiso, that hee giue mee leaue regularly to choose my tearmes. I like not your mending, it is (for I know you are a prouerbiall man) too Tinker-like. You shall haue termes, such as due forme affords, most energeticall, and termes explicated, that you may see I meane not to double. Categorically thus.

That portion, that's to say, determinate quantitie of Peoples Temporall substance, which God hath allotted to Ministers of the Gospel, for their service, is that which of dutie belongs vnto them.

But

But Tythes are that determinate quantitie of peoples temporalities which God hath allotted Ministers of the Gospel for their seruice. *Ergo.*

Perhaps I haue not yet sufficiently explained my selfe. Sure its more for lacke of words then good meaning: Let mee then in another particular par or parallel to this, expresse mine intention.

The determinate quantitie of time which God hath reserued and sanctified to his seruice vnder the new Testament, is that which of necessarie dutie must be rendred him.

But the seuenth of Time, is that determinate quantitie which God hath reserued and sanctified to himselfe, *Ergo.*

These twinnes of Morall duties I willingly choose to combine, as well for that I finde no munerall certintie (which yet is greatest) in any Gods morall ordinances saue in these two of Time and Substance; as also because, as those of *Hippocrates*, they weepe and laugh, stand and fall together. I may adde, because this of Gods Time affoords that of his reserued substance explication reciprocally, as that of Substance doth support to his Time.

What say you now, doe you grant all? or waite you your energeticall termes of onely and perpetuall. Why more I wonder for Gods substance then for his Time? will it not follow? no other therefore solely this; And by Gods word allotted, therefore perpetually and vnalterably to be rendered; I præsume it will for Gods Time; why not also for his substance?

What vse now of your limitations and distinctions? Allotment for the præsent, and for perpetuall;

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of

of alterablenesse in it owne nature, and not in it owne nature. Apply them, if you dare, to the point of Time, as you doe to that of Substance. And tell me if your greatest admirers blot not you, as they haue done vs poore Tything-men, out of their booke of the righteous.

But *dic fodes*, what meane you in saying th'allotment is alterable in it owne Nature? What? that institution onely and command determines their payment to be dutie; and that the office of Tything is *bonum* onely *quia praeceptum*. For my part I contend not. There are moralities such by institution onely and by Law of God positiue. Suppose now; if you will, their duenesse founded onely on *Law positiue*; will you inferre, therefore alterable by man? As if I should aske, whether because another day is of it owne Nature, setting apart consideration of Gods allotment, ordinaible to Gods seruice, therefore the seuenth may be changed: or whether, because our two Sacraments are in *their owne Nature* alterable, and other elements, for any thing that is in the Nature of these now instituted, might be substituted in stead of these, therefore man hath power to alter them. I should thinke (such is my simplicitie) Gods Law and Ordinance perpetually bindes to these, and no other: though there bee nothing in their Nature repugnant to substitution of others. What God hath fixed, let no man mooue. What he hath determinately praescribed, who may dare alter. Gods ordinance is the Ancientest *boundarie*; *A curse is to him who praesumes to remooue it.*

Yea Sir, doe you grant all? Saith God in his word

word to Ministers as once to Leui, *I haue giuen them Tythes for the seruice they doe mee in the Gospel?* Shall any doubt whether th'allotment be of æquall endurance with the seruice? or that th' honorarie may be changed, so long as the Seruice continues? Thus briefly. As to Leui they were assigned for (a) his ^{a Numb, 18.31.} Seruice in the Tabernacle, and were vnalterably to be rendred so long as the Tabernacle stood: So to Ministers of the Gospel they must stand, vpon this concession, so long as their Euangelicall Seruice continues, that is, as I suppose, so long as the Sunne and Moone endureth. Except perhaps you can euidence they are exceptiueely or disiunctiueely only allotted; Tythes or some other thing in roome or stead thereof, which who will vndertake to euidence by the word of God?

Our third reason hath ground on *Leuit. 27. 28. Prou. 20. 25. Mal. 3. 8. Rom. 2. 22.* where we reade thus. *Euery thing separate from common vse, is most holy vnto the Lord: And it is a snare to deuoure holy things, and after the vow to enquire And, thou which abhorrest Idols, committest thou Sacriledge? And, yee haue robbed mee.* Out of which Scriptures thus wee reason.

The portion separated from common vse to maintenance of Gods worship vnder the new Testament, is that portion allotted by Gods word to Ministers for their seruice.

Tythes are of that portion so separate. *Ergo.*

The *Major* is thus prooued: because the detainment or alienation of things so consecrated, is Sacriledge. That this may the better appeare, It will be

worth the while, to consider briefly what Sacriledge is, which out of Mr. *Zanchius*, *Vrsine*, and others, we may thus briefly describe. Sacriledge is the taking away of things Sacred, that is, deputed to holy uses, or the maintenance and furtherance of Gods worship. The matter about which this theft is conuerfant; are things consecrated to God: of which are two sorts. Some, which God himselfe either by reseruatiō to himselfe, or by expresse mandate hath hallowed to himselfe; some, which man hath hallowed and separated from common use: wherein is also acknowledged by most prudent, a secret motion of God inclining to such consecration. Of both reade, *Leuit. 27. 28, 29, 30.*

That which makes vp the nature of Sacriledge, is alienating or detaining things thus hallowed, and returning them to common use. Thus is the Reason. The alienating or detaining of any thing separate from common use, is Sacriledge. But detainment or alienating of Tythes, is the detaining or aliening of things thus separate. *Ergo.*

To the propositions, these answers I haue partly read, partly heard in conference. 1. Vnderstand it, say some, of things consecrate by Law.

Ans. No word of God forceth to such limitation. At building of Tabernacle, was there any law of God particular to contribute? Why then runnes the tenour thus? *Every man whose heart is willing, let him bring, Gold, Siluer, Goates haire, &c.* And euen of voluntarie and votarie consecrations both *Moses*, and *Salomon* speake. And, was it not free to *Ananias* to consecrate or not, otherwise then generall

Exod. 35.
5.

generall lawes of pietie or charitie might sway him?
*Act. 5. 4. Whiles it remained, was it not thine owne?
 And after it was sold, was it not in thy power?*

Yet was *Ananias* his detainement, Sacriledge: by circumstances of the Text, and consent of best interpreters. He is taxed by *Peter*, not onely for lying; but for theeuish and clancular surreption of part of the price, *vers. 3.* And saith *Mr. Beza*, interpreting the word; *Ad Sacrilegium etiam accessit diffidentia & hypocrisis.* There was then Sacriledge in his detainement, though dedication was voluntarie. *Centuriat: Cent. 1. lib. 2. cap. 4. Ambros. Ser. 9. Dum ex eo quod promiserat, partem subtrahit, sacrilegij simul condemnatur & fraudis; Sacrilegij, quod Deum in Pollicitatione fefellerat, fraudis quod, &c.* They are strange *quarres* raysed by giddie spirits, desirous to free themselves from stroke of this Argument;
 1. As whether Sacriledge be a sinne in these times of reformation; their meaning is, whether there bee any possibility of a Christians falling into the sinne of Sacriledge, otherwise then by defiling his body with the flesh, or depriuing God of the honour immediately belonging vnto him. A quæstion, I confesse, in these times somewhat disputable; wherein the very matter of Sacriledge is almost annihilated. It calls to mind the teares of *Alexander* in the known story, shedde vpon remembrance of his father *Philipps* frequent victories, and conquests so large, as there seemed no matter left for his ambition to work vpon. How doth their couetousnesse mourne, and their hearts languish, that there is left them so little a gleanings, after the great haruest of their prædecessors?

sours? yet how gape they after that little prey vpon holy things, yet vn surprized? We liue in a free state; giue me leaue freely to speake my minde. In my conscience I thinke it true, the clamours against Bishops calling, and things appendent thereto, hath had no other source, then popular enuy at these fat holy morsels, which yet remaine vndeououred, could they but calme conscience, grumbling, I dare say, in many against th' attempt, and sway supream Authoritie, the iudgement threatned to the posteritie of *Eli*, would soone be our fate; *To (b) bow downe to our Lay-masters for a piece of siluer, and a morsell of bread, that we might be appointed to one of the Priests offices.*

61. Sam. 2.
36.

And yet, with conscience they haue taken order reasonable; Sacriledge none, except spirituall, can now bee committed; matter of that sinne, there is none; for God, in their opinion, hath reserued to himselfe no portion of earthly things: neither doth mans votarie or voluntary deuotion, giue him seizure in any thing, how piously so euer consecrated. Belike then, Sacriledge there can be none vnder the new Testament: for there is nothing *de iure*, separated vnto God. Once impleading the sinne of Sacriledge, I was admonished by a graue Præbyter, to beware of multiplying sinnes; making more sinnes then God had made; me thinkes I may remember him and his adherents, to take heede, how they lessen the number, or minish the quantitie of sinnes so heinous. Is there no Sacriledge vnder the Gospel? Can none be committed in dayes of new Testament about things consecrated vnto God? *Genera*

peccatorum

peccatorum minuantur. Blesse your selues you Epicures, and carnall Gospellers in this; feede your selues without feare on things, as wee say, consecrated vnto God. You cannot now bee Sacrilegious; no more (and yet I dare say so much) then you can be Idolatrous, murtherous, luxurious. *Paul* said in vaine (and I thinke he said it to men of this mould) thou *that abhorrest Idols, committest thou Sacriledge? Rom. 2.* Blush for shame at conceits so prophane, and thinke it truest of this gluttoned couetousnesse, which *Iob* long since spake of the generall; *Hee hath deuoured substance,* but the Lord shall cause him to vomite it.

A second restraint some haue thus giuen to the proposition; vnderstand it, say they, of alienating things consecrated without error: that is, to maintenance of true worship of the true God. Well agreed, let it be so limited, though with faire probability, and consent of no small Clerks, we may contend the contrary. *Keckerman: Princeps iure non potest res sacras et bona cultui diuino etiam in genere destinata, etiam ea qua superstizioso cultui seruiunt, in usum profanum transferre.* But grant the limitation. Can we not assume thus much of our Tythes? that they haue beene consecrated to maintaine pure worship of the true God?

3. Vnderstand it say some with these exceptions.

1. Except in case of the Churches superfluitie. And this exception hath this ground. Contentment with necessaries is required of Ministers; for *Moses* cries *sufficit* at building of the Tabernacle.

Resp. What word of God or sound reason giues

libertie to alien seeming superfluities of ministers, rather then of other Subjects? spake *Paul* to ministers onely when he sayde, *Let (d) your conuersation be without couetousnesse, and bee content with things present?*

2. *Moses* onely stayes addition, of more, returns or aliens nothing of what was brought by the people, no not though there were an ouerplus.

3. Yea, howeuer in this contribution to building of the Tabernacle, hee proclaimes a *sufficit*, yet when he glanceth vpon the maintenance of the ministry, you haue him praying God for abundance. *Blesse O Lord his substance. Dent. 33. 11.*

4. But yeeld the exception; In what case, in what times, may we not, with that limit, assume of Tythes?

2. Their second exception is, when alienation is necessary for preservation of the Church. In such case (e) *Hezekiahs practise*, may it not be imitated.

ez. Reg.
18. 6.

Resp. Perhaps yes: so you keepe to your patterne: and inferre not too farre. View therefore 1. the matter of *Hezekiah* his alienation; you shall find it to be of things belonging rather to the ornaments of Gods worship, then to the maintenance of the ministry. 2. Take it into your serious consideration; whether an action mutuall, or relatiue, such as these are passing betwixt the giuer and receiuer, may not be in *casu*, on the one side lawfull, on th'other, sinnefull; As if I should aske; may I not without sinne in perill of life, and to auoide violence iustly feared, deliuer my purse to a Thiefe? or doth not the Thiefe sinne in receiuing, or deteining it? We will suppose *Hezekiah*

kiah to haue done lawfully, in deliuering the *treasure, and Ornaments of the Temple to the King of Assyria*, thereby to redeeme himselfe and Gods people from his violence. But can you suppose *Ashur* lesse then Sacrilegious in accepting, or detayning them? For euer I blesse his zeale, who to redeeme Christian Captiues, would exchange his silver Chalice, for wood: yet shall curse to hell him, who driues to this exigent, and thinke his crueltie, or couetousnes no other then Sacrilegious. Though therefore necessitie perhaps may exempt such alienation from crime of Sacriledge on the part of the deliuerer, yet is not the action in all parts void of Sacriledge; yea, cannot be excused, on the receiuers behalfe, of prophane irreuerence, and irreligion to Godward. Goe now and triumph you Heluoes of holy things, sample your selues from *Hezekiah*; But know, he is Sacrilegious, whosoever accepts or retaines things holy to God, howsoeuer percase lawfully deliuered into his possession from hands of the rightfull Owners. 3. Can wee but thinke *Hezekiah* minded as (f) *Rehoboam* practised? to restore what necessitie forced him to decay? Reade the storie: *f 1. Kln. 14. 26, 27.* perhaps you may bethinke your selues of restitution.

4. Let vs yeeld to necessitie; the force of it is great, to legitimate for the time, what nothing els can warrant. May retaining such things in that case aliened, be excused from Sacriledge, necessitie ceasing? I aske your iudgement. *The (g) shew-bread was made* *2 Mat. 12 4.* common to Dauid and his companie in extremitie: might it therefore be perpetually commoned?

Their last exception: when Princes haue no o-

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other means to remunerate subiects, faithfull in common seruices.

Ans^w. What, I wonder in such case, layes open Church goods to will of Princes, rather then the goods of common subiects? Thus I reason and leaue them. Priuare goods of Subiects, Magistrates may not alien from them for recompence of seruants: much lesse may the Lords Portion be transferred to such vse. *Pharao* King of *Aegypt*, and *Ioseph* his Viceroy, giue immunitie to *possessions of(h) Priests*, when else the whole land is seized for the King: perswaded (I suppose) things Sacred to Religion ought at no hand be violated. Thus then the proposition is cleare as it was propounded. Yeeld we it yet with these limits and exceptions, as many as haue but shew of reason to support them; and thus conclude. The detainment or aliening of things by Law consecrated to support pure worship of the true God without superfluitie, any longer then necessitie requires, is Sacriledge.

Tythes haue beene by Law consecrated to maintenance of pure worship of the true God, are not superfluous, and now no necessitie of their alienation. *Ergo*, their detainment is Sacriledge.

— REVE—



REVERENDO
IN CHRISTO PATRI,
AC DOMINO, GEORGIO
PROVIDENTIA DIVINA EPI-

scopo CICESTRENSI obseruan-
tiam plurimam.



*Honorande Praesul, Gratulator, sanè gra-
tulor mihi met ipse hanc qualemcumque
gratissimi erga te animi mei testandi
aequum. Adversarium nacti sumus di-
cacem, mordicacem plus satis, insulsum
tamen. Eum ego salibus, opinor, meis
satis superque conditum ad te mitto. Sale (vides) for-
te am tuo condendum. Déprecor. Quorsum enim? Sor-
det, fatet, nescio quo modo, apud vulgus nostrum, siquid
fortè asperius in istiusmodi fatulentias animadverta-
tur: et dulcius resipit, ut Dario in fuga, quicquid tur-
baveris in furore disciplina sanior. Fruantur, per me
licet, putore suo: Tantum ne me, ne meos in volutabrum
pertinent suum.*

*Ieiuni quicquid id est in hac Apologia nostra, tenui-
tati, obsecro, condones mea. Robusti siquid et solidi, hoc
ego propè totum tibi acceptum fero. Aut fama mendax,*

aut tu aliquando meam Oxoni excusam de iure Decimarum velitationem legisti, calculo tuo approbasti. Mendax sum, nisi aiodixna. vi sunt, tua dialecticam adhuc et nutantem sententiam meam aspectu primo firmaverint, atque in solidum fundaverint. Tibi sum, et fixus hæreo. Ignoscas, quæso, valeudinario, et quamvis paulo plus quadragenario, senectute tamen (proh Deum) prematura, et Calcula Renum pręgravido, gravedinoso, si non equo aut pedibus ad te visendum, consulendum festinaverim, uñny i dñy. ut ego eruditionem, modestiam, dignitatem tuam exosculor, et planè veneror. Deus Opt. Max. Amplitudinem tuam incolumem serves, ut, quod strenuè adhuc fecisti, Decimas Ecclesia afferas, vindices; Decumanum hunc fluctum planè Nanfragum ab Ecclesia propulses; Clerum tuum ab eo protegas. Amen.

Amplitudinis tuę perquam studiosus

GUILIELMVS SCLATER.

TO this Argument made longsome by idle exceptions, thus my Brother Clerique. *All may here be granted also without danger. For no man denies, that things consecrated in the new Testament, is the portion by the word of God allotted to Ministers: nor that the detainement or alienation thereof is Sacriledge: nor that (as the state of the Church now stands with vs) Tythes are that portion; and so that Tythes are allotted by the word of God for our maintenance euen under the new Testament. But the question is, whether any portion whatsoeuer once consecrated be perpetually and onely due in all Ages; And so whether Tythes be that onely and perpetuall portion for euer; which by this Argument is not prooued. For howsoeuer the detainement and alienation of Tythes bee Sacriledge (as things now stand with vs) yet the change of Tythes into another kinde of maintenance as good or better, is no Sacriledge. For that which Dr. Carleton saith to the contrarie, fol. 26. is of no force. For first there is a great difference betweene things consecrated to the use of Gods worship in the Temple under the old Testament (of which sort the vessels were whereof he speaketh) and things dedicated to the Churches and Ministers use in the New. For those were Types and Sacraments of other things (as appeareth by those very vessels, by 2. Tim. 2.2c, 21.) but so are not these. Secondly, Tythes euen in the old Testament might be changed, so long as no detriment came therby to the Leuites, Leu. 27. 31. So that though it were granted that Tythes were due iure diuino (which he takes for granted sophistically,) yet by*

his owne reason they may be changed, because the change is allowed by the same power and Authoritie by which they are made: holy to God. Thirdly, he playes the Sophister manifestly in arguing a dicto secundum quid ad dictum simpliciter; for thus he reasoneth: It is Sacriledge to change Tythes for a maintenance and provision of lesse value then Tythes: Ergo, it is simply Sacriledge to make an exchange of them: which whether it be a good forme of Reasoning, I leave to others to iudge.

Ans.

My liberall Aduersarie, how shall I praise your bountie? What tearmes may I deuise to commend it? Certainly, but that I know there be many, for all your saying, who deny my præmisses, I should thinke you and all men consenting to the conclusion; which you may, without new quæstion, assure your selfe to be meant of a perpetuall and vnalterable portion, euen therefore, because consecrated.

But whereto I wonder all this shew of granting all, except to show your selfe wittie? Why such circling? why speake you not in the tearmes of your Master that Heretique in Philosophy, and say any proposition is not *per se uerum*. As once a Rabbi in that hæresie, and other schisme beeing demaunded what he thought of the Sermon he fate to censure, said; the man and his matter and gifts he well approued; onely one doctrine was not *per se uerum*.

Thus take my answer to your quæstion; Nothing sanctified may euer be commoned, except by Authoritie of that God to whom they are sanctified. Whether changed with your limits, is a quæstion coincident, whereof anone.

Of

Of things consecrated are two sorts ; some which God ; some which man sanctifieth : of Gods sanctifying, you haue instances many in old Testament; of Time the seuenth ; of substance, once we are sure, the tenth. And of this kinde, but you, now perhaps, none quæstions, whether any may be vnhalloved without warrant from the Sanctifier.

Is the quæstion of that which man sanctifieth ; whether euer by mans owne Authoritie it may warrantably be vnhalloved: thus is the answer distinct, as suddennesse permits it to be propounded : Sometimes Gods act and mans in sanctifying passeth on the same matter ; *God sanctified the Sabbath*, by ordinance to his owne vse ; yet we reade in *Isay* after some translations, *If (k) thou shalt call it a delight to consecrate it as Glorious vnto the Lord. The (l) temple of God is holy which yee are* ; our bodies and soules are Gods ; yet said *Paul (m) offer vp your selues vnto God*. Such votarie consecration by man of things already holy to God, multiplies the obligations to render ; aggravates malice of Sacriledge.

2. Sometimes man consecrates what God hath left common, as *Ananias the price of his possessions* : whether dominion or vse, as Canonists distinguish, ioyntly or seuerally, it matters not here to specifie : of this kinde of things sanctified is all the quæstion. For my part I doubt not but the character of Gods first impression in Tythes, is indeleble ; and that mans votarie consecration of them, gaue them no new hallowing, but encreased obligation to their payment. Howbeit *ex abundante*, I will suppose they haue no other touch of holines, then mans deuotion hath put to them.

Thus

Thus is the Argument for the maine vpon that
 supposall. *Its (o) a curse to denoure that which is*
 sanctified; that is, any thing that is sanctified, at any
 time. And after the vow to inquire; this last clause
 forceth to iudge, he meanes of things votarily, or
 voluntarily consecrated by man. Will you say, *while*
its sanctified; or as the case stands with them amongst
 whom its sanctified? You call to minde the idle euasi-
 on of Arminians in the quæstion of Apostasie, whe-
 ther it be incident to men regenerate. We say as S.
 John; (p) *He thats borne of God sinnes not the sinne*
 vnto death: True, say they, *quâ talis*, or *quandiu ta-*
lis. Whereas euery man knowes that Apostasie pro-
 ceedes not from regeneration; and that it implies a
 ceasing to bee *talis*; and therefore necessarily ex-
 cludes the *quandiu talis*. Euery man knowes, a sober
 man is not drunke as he is a sober man, or so long as
 he is sober; drunkenness proceeds not from so-
 brietie; and it implies, to say, *ebrius*, *quandiu so-*
brius.

• Prov. 10.
25.

9: Ioh. 5.
18.

1 A2. 5. 2.
34.

Once sanctified, euer sanctified; if th'intendement
 of the votarie were for perpetuities. I haue heard of
 the rule, *Eius est tollere; cuius ponere*; but I aske your
 iudgement, whether (q) *Ananias* his reuocation of
 part vpon second thoughts, did excuse him of Sacri-
 ledge?

2. Besides there is by such vow or deuotiō of man,
 a new propertie and dominion giuen vnto God in the
 thing deuoted. Shall man, can man defeate God of
 that propertie? *dic sodes*.

Is the quæstion now of the change? Whether the
 sanctified portion may be changed, and another with
 your

your cautions substituted in stead thereof? I should thinke not. Especially if you meane as you must, a change of the whole kinde, for perpetuities.

1. For that God allowed no change of the particular; Much lesse of the whole kinde. *Leuit. 27. 33.* *He shall not looke vpon it whether it be good or bad,* but the Tenth must be rendred in the particular; because thats it that is holy to the Lord, said hee, euer the tenth or the æquiualent.

2. Next, *Salomon*; *Say not before th' Angel (r) it* *Eccl. 5. 6.* *was an error,* I was mistaken in the matter vowed; take another which vpon second thoughts is found better. Why should the Lord destroy thee not in thy time?

3. I finde the command peremptorie and præcise to pay that which is vowed, that is, as I take it, that very particular.

4. Because I obserue pænaltie (as I conceiue) inflicted in case of exchange attempted; (s) *Both the particular and the change must be the Lords.* *Leuit. 27.*

5. Vpon grant of power to exchange, the matter of Sacriledge must bee vncertaine, and no man chargeable with that sinne as vpon certieintie.

6. Why not diminution of part as free from Sacriledge, as exchange? which yet in *Ananias (t)* his case is damned. *1 A. 5.*

But is it naught to purpose which the now reuerend Bishop of *Chichester* said to this point of exchange? heare him.

If Sacriledge be in taking away holy things from God and his Church, it appeareth more in taking away Tythes then in any other thing whatsoeuer. Neither can

Sacriledge herein be excused, though men should establish something in place of that holy thing taken away?

1. Because the changing of holy things is Sacriledge no lesse (though haply a lesse kinde of Sacriledge) then taking away of the same. If Nabuchadnezzar hauing taken away th' holy vessels out of the house of the Lord, should in place thereof haue put some other, might his Sacriledge thereby be excused? or Beltazzar taking the vessels of the Lords house, and in them banquetting with his Lords and Concubines, if he should in stead thereof haue placed other, could any iustifie his Sacriledge therefore? no more can the taking away of Tythes be iustified, though something in place thereof should be appointed by men.

His opinion you are not bound to subscribe vnto; perhaps he is not yet growne classicall: but what to his Reason? For things which God himselfe hath sanctified:

Forsooth; *This difference there is betwixt things consecrated to the vse of Gods worship in the Temple vnder the old Testament (of which sorts the vessels were whereof he speakes) and of things dedicated to the Churches and Ministers vse in the new: for those were Types and Sacraments of other things (as appeares of those very vessels, by 2. Tim. 2. 20, 21.) so not these.*

Answ. Right so. Yet when I from ground as good or better affirme first fruits mysticall resemblances of Christ and the gifts of the Spirit in this life giuen, how merily game you at mee?

But say in good sadnesse: is there in *this point of vnalterablenesse without diuine Authoritie* a disparitie betwixt things then consecrated by God in Old Testament,

Testament, and those by him hallowed in New? or hath God given more libertie of exchanging things sanctified in New, then of those other hallowed in Old Testament? What one passage of Scripture haue you to guide you? Belongs not this to both Testaments? *Its (w) a curse to deuoure holy things.* And, ^{19.} *thou that abhorrest Idols, (w) commistest thou Sa-* ^{25.} *criledge?* put differences, as many as you will, betwixt one and other in other respects, in this of *vnchangeablenesse* whereof is quæstion, you shall neuer be able to cut difference.

This it seemes you saw well enough, and therefore your *secundarily* auoucheth with too much confidence, that *(x) Tythes might then be changed so* ^{17.} *long as no detriment came by th' exchange to Leuites.* ^{31.}

1. Belike then your difference is not vniuersall for things consecrated in Old Testament; for some of them might be changed, as you doe handsomely instance *in proposito*, the point quæstioned of Tythes. Phi, phi; why dye you changeable? might they not be changed, and yet might they be changed? *Pugnantis loqui se non vides?* Or if you meant your vnchangeablenesse particularly to the vessels of Seruice in the Temple, could no other particular of things then consecrated alterably be instanced in, but the Tythes in quæstion? Why haue you so forgotten notorious absurdities in disputation?

2. But thinke you indeede Tythes might then be changed in that sort which now we quæstion? Might Israelites haue changed that kinde of maintaining Leuites by Tythes, into another as good or better? Say I beseech you. Or had it not beene profane

arrogancie in that people to haue altered Gods præscript for the manner of maintenance, vnder prætence of bettering it?

Will your text prooue it? It speakes indeede of
 3^d Leuit. 27. (y) *redeeming a particular Tythe*; not a syllable of
 3^d I. *changing the whole kinde of maintenance into another for perpetuities.*

3. Suppose you Redemption euen of a particular *approoued*? or rather *tolerated*? Tolerated I should thinke; and not allowed. Because *molested with addition of a fift part*. That, in case a man were so headstrong in his affection that he would needs redeeme, way should be giuen: Howbeit, by his pænaltie he must be taught that in the act and attempt he erred. My inducement is this: Because I euer obserue addition of a fift part ordered to be made ouer and aboue the satisfaction or amends for the trespasse or damage, how else, but *nomine pæna*. Compare these Scriptures, *Leuit. 5.15. and 6.5. Numb. 5.6,7. Et alibi*. And aptly, it tended not to præuent damage of Leuites, which easily enough was, or might be præuented in the price giuen for ransome.

But how glad am I to see you carefull to præuent damage of Leuites in the exchange? and so cautionate for Ministers indemnities? In case of exchange of Tythes into another kinde of maintenance, you cautionately provide, it must bee *as good or better*. Et mox, *exchange is no robbrie in this kinde, provided alwaies that it be made, in an aquall proportion at the least, so as if the Church be not bettered, yet it is not damnisied.*

Blessing on your heart for that yet, If euer Lay-
 Parson,

Parson, or scrupulous Gentleman, or Customarie Parishioner can you thanke for your refutation, I much maruell. Say, I pray you, doth the scrupulous Gentleman so practise? Giues hee the æquiualent to the Tythe? If I knew him, and he so practise, at first greeting I would ciuilly adore him. Miracle, mirror at least he should be to me, of all the Lay-Order of Parsons, whom I yet know. I may transgresse Charitie in my ieaiousie of that blacke Swan. But how feare I? least the little grumble of Conscience be calmed with that parcell of your opinion, *Tythes may be changed into another kind of maintenance*, and no care taken of your Prouiso, for *substitution of an æquiualent*.

Once I know tenne or twentie pounds Coyne-stipend is no æquall proportion to an hundred or two, or three, in Tythes; nor two-pence Rate or Custome æquiualent to ten or twentie shillings of Tithes. Thinke of it my Master Parsons of the Laitie; your best Patron steedes you nor, as you practise. But I returne to the Refuter.

What say you to that of Dr Carleton? *When any thing consecrated is taken away, that a thing of the same value should be restored*, who can expecte: and who shal be Iudge?

Forsooth, he playeth the Sophister manifestly, in arguing à dicto secundum quid, ad dictum simpliciter; for thus he reasoneth: *Its Sacriledge to change Tythes for a maintenance and prouision of lesse value then Tythes. Ergo, its simply Sacriledge, to make exchange of them.*

But doth he so reason indeede? you would make him a simple Sophister.

Ans^r. Thus rather conceiue him; to apprehend that supposed (something) to bee substituted in roome of Tythes, of ambiguous acception: there is *aliquid indefinitum*; where something, is any thing: And there is *hoc aliquid*, or *aliquid limitatum*, as in this case sufficient prouision, or in your meaning, something æquiualent.

Is the something to be substituted, indefinite? any something, in lieu of Tythes? that restitution or substitution, according to Dr Carleton, and according to cleare evidence of Truth, cannot be excused of Sacriledge; for it may be of lesse value, its likely to be so.

Is it, *hoc aliquid; aliquid limitatum*; after the opinion there mentioned, a sufficient prouision? that is a Castle in the ayre, as he there truly speakes; besides, not that sufficient maintenance which God hath allotted; and in all likelyhood, not so sufficient: by consequent therefore sacrilegiously substituted.

Is it your æquiualent? as good or better? To this, thus he truly; *None can name any so conuenient as Tythes, to supply the place of Tythes; so as to be sufficient at all times, howsoeuer the price of things rise or fall. Which proportioning of the Ministers estate, making it able to answer all estates alike, whether deare or cheape, proceeding from the wisdom of God, cannot be matched by mans wisdom.* Thus take him in forme.

Euery change of Tythes into another kind of prouision, which is at any time of lesse worth or conueniencie then Tythes, is sacrilegious. But all exchange of Tythes into any other kind of prouision, is at some time necessarily of lesse worth & conueniencie then Tythes. *Ergo*, all change of Tithes into any other kind of prouision, is sacrilegious. Of the *Maior*, your limits in exchanging, permit not you to doubt. The *Minor* is thus proved. No other prouision can make the Ministers estate able at all times to answer all estates. *Ergo*, euery exchange of Tythes into another prouision is, *ut supra*, of lesse worth and conueniencie. What thinke you? did the Doctor reason *a dicto secundum quid ad dictum simpliciter*? did not the Batchelor rather view him *secundum quid*, and not *simpliciter*? I should thinke this rather.

As to what you talke of Canonists opinion, and Ministers practise in commutation or composition for Tythes, it toucheth not the purpose: let all be granted lawfull; what is this to a change of Tythes for perpetuities?

Remember you not your owne Dunce Canonist, resolving that Tythes cannot be granted to a Laicke in fee: have you forgotten, that in question of selling particular Tythes, they distinguish betwixt things Tythable, and the *ius* of Tything? Sale of *res decimabiles*, they allow with cautions: marchandizing the *ius* of Tything, they make Simoniack and Sacrilegious. Their reason is, because *Ius decimandi* is *spirituali officio annexum*. And in case such a permutation of Tythes as you speake of, were lawfull, why not also a transferring of the *ius* of Tything?

To close this point, I must professe, I like not such permutations or compositions for Tythes, except in way of gratification, where scandall is feared. It hath brought vpon the Church, Customes and Prescriptions, so many, of so long continuance, that of Tythe, except the name of Tythe, is left almost nothing to many Churches.

I professe not Canonist: yet thus much I know; Ministers haue no perfect dominion in Tythes, or other endowments of the Church; & am inclined to thinke, they are at most but vse-fructuaries therein. The whole right & dispose of Tythes is not in Ministers, no nor in the Church *fundamentaliter* or *terminative*: first and originally (*z*) they are Gods; by him as chief proprietary assigned to the Priesthood, for preservation of their office, & support of the seruice by them administred.

Leu. 27.
Mal. 3.8.

The fourth Reason followeth: The Law first allotting Tythes, to support of the Ministerie, and worship of God, was morall; *Ergo*, they are perpetually the Ministers Portion. That Law conceiue to be that which guided *Abraham* and *Iacob* in the practise of Tything: reuiued afterwards, and further explained, what time they were assigned to *Leui*.

That it was morall, perpetually binding, is thus euident; because in no respect cæremoniall, or particularly iudiciall to the state of Iewes: you vnderstand, I presume, by the Argument thus moulded, that we meane it meereley morall.

Rather saith my learned friend; *mixti iuris; In diuerse respects, Tythes are both morall, and cæremoniall, and iudiciall; as was also the Sabbath in the old Testament. They are morall, as a sufficient maintenance for Ministers of holy things. Cæremoniall, as Rites of the Iewish Religion: Iudiciall, as maintenance of Levites and Leuiticall Priests.*

*Amandus de
bellis vijn,
c.*

Ans. So as you say; and not without consent and suffrage of some both old Schoole-men, and moderne more Orthodoxe Teachers. There are Lawes and duties of mixt nature; as long before Mr *Iunius* taught more then one introductorie teacher of Schoole-diuintie. But, I pray you, by Tythes meane you the *quota*? and say you, in that very quantity they are morally belonging to Ministers of holy things? Sir, *wee are brethren, why strine we?* you grant the question. Let them be in what other respects you wil, cæremonious, or iudiciall, or both; if in that *quota* they are morally due, I shal be ready to swear anon, they are perpetually due to Ministers of holy things. And me thinkes by your example of the Sabbath, which you giue for instance of the like, you should meane so. For that, I presume, you grant euen in the quotient of Time-morall: though there were some accessories of Cæremonialitie and iudicialitie also perhaps annexed thereto. Besides, the very Name of Tythes determinately denotes that certaine Portion; the Tenth part of Temporall substance. So that in saying Tythes are morall, though with a *Quatenus*, you say as much as, the tenth part of the peoples Income by Law moral belongs to Ministers of holy things. Or else giue vs, I pray you, th'other part of your distinction, or some other respect in which they are not moral. They are moral as a *sufficient maintenance*; not moral belike, as an *insufficient maintenance*.

NANCE.

nance; As if I should say; The seauenth of time is morally prescribed, as it is a sufficient time to bee spent in the seruice of God: not morally, as insufficient. Whereas to say Truth, Gods determining this numerall certaintie of Time and Substanceto his seruice, noticeth it as that sufficiency which we must rest in.

And yet mee thinkes you should not meane so as your words purport. For then, why striue you for lawfulnessse of mans exchanging that maintenance into another kinde of prouision as good or better. Surely vpon supposall of that meaning, were I a man transported with passion, I should bee ready to cry out as you; *Oh horrible, Is it possible a Minister of Iesus Christ should teach that man may alter or reuerse Gods morall precepts? And if an Angell from heauen should say so, I know how to esteeme him.*

But how handsomely might a man with such a *quatenus*, maintaine sacrifices and burnt offerings to be morall; yea and the duty whatsoever it is, that is most meere morall, to bee caeremoniall and Iudiciall? The (a) *Sacrifices of the Lord God of Israel made by fire was Leuiens inheritance*; part of his maintenance; impleade me, if you list, for saying they are morall, yrge as you well may, that they were meere ly caeremoniall; my distinction is ready; in diuers respects they are caeremoniall, and Iudiciall and morall. Caeremoniall as rites of the Iewish religion; Iudiciall as *Leuiens inheritance*; yet morall as a competency, and part of sufficient maintenance assigned to Ministers of holy things. And could I not shift, trow you, to maintaine prayer Ceremoniall, or Iudiciall?

ciall: Presse mee with your greatest instance to prooue it morall; twentie to one but I shall finde a *quatenus*, that hath vnder it as much truth, as yours in the case of Tythes; though as spirituall worship, its morall; yet as part of Tabernacle and Temple seruice, so its cæremoniall; as a meane to obtaine and præserue our sustenance and temporalities; so its Iudiciall. So be it if you will haue it so.

But say for Gods sake, and vex vs no more with impertinent manners of speech. By Tythes the subiect in this proposition, *Tythes are morall, quatenus, &c.* Meane you the tenth part of temporalities? Then Tythes are morall, and we haue the purpose; And must you not so meane it, as in th' other, Tythes, that is, tenth part are cæremoniall; and Tenthes are Iudiciall. Let the tenth parts be cæremoniall or iudiciall with what *quatenus* they will, if they bee cæremoniall or iudiciall with a *quatenus*, then *eatenus* very Tenthes are cæremoniall or iudiciall; So let Tenthes be morall with a *quatenus*, yet *eatenus* the Tenth part of peoples Temporalities by morall law belongs to Ministers of holy things. Briefly, meane you by Tythes, *Decimam partem temporalis substantia*, in all three members; or meane you it in the two latter propositions, not in the first: If you meane it, Tythes are morall; if you so meane not, you play the absurd sophister; the idle disputant in taking away, or altering *subiectum questionis*.

I proceede to euidence the first member of th' Antecedent. That the law inioyning Tyths was in no respect cæremoniall. Cæremoniall ordinances were
 6 Col. 2. 17 all *shadowes of things to come, the body whereof is Christ.*

Christ. This no such shadow, for where is the body which this supposed ceremonies dutie should shadow? Some haue sheaped vs this resemblance. The number of Tenne is a number of perfection, and by paying in this number, the offerer made protestation of his owne imperfection, and of his expecting perfection in Christ. Pretty too too. Twenty such like a tolerable wit would deuise. But can they shew vs this signification or end of payment in Scripture, but obscurely so much as by allusion intimated? I dare say no; nor any other end, no not of their payment to *Lens*: but support of Gods worship and recompence of their seruice.

2. Leuiticall ceremonies haue all analogicall resemblance of the things they praefigured: Therefore called *shadowes of things to come*. Because as the body carries a darke, yet some resemblance of the body whose shadow it is; so ceremonies of Christ and his benefits, &c. Therefore also rearm'd (c) *similitudes of heavenly things*, being ordained by their very resemblance to (d) *teach the rude*. Tything hath no analogicall resemblance of imperfection, or thankfulness, or Gods vniuersall dominion: for who can, I say not only avow his frame, but frame it except absurdly? Giue vs such analogie of this, as we are able to show of others, we will then beleue their payment to haue beene in part, at least, Leuitically ceremonious. Of sprinklings and purifyings, of Tabernacle, of Arke, of high Priest (and indeede of what not? that was truly a shadow of heavenly things) we finde analogie in the word of God. *Ergo*, As high Priest amongst *Lenes* alone entered into the

Heb. 9. 13

Gal. 4. 9.

Heb. 9. 7.
13.

L 4.

boly

holy of holies not without blood: So Christ into heaven: &c. Can those who so confidently avow tything a cæremonie, thus draw out the similitude twixt it and heavenly things?

3. No Leuiticall cæremonie may be vsed after full publishing of the Gospel; Schoolemen say well, *iudicialia post Christum hec mortua*, because they binde not: *Cæremonialia mortifera*; their very reuiuing is vnlawfull and deadly. But payment of Tythes by consent of all, except Brownists, may be retained. *Ergo.*

4. I finde not that the Lord in Prophetickall Scriptures taxeth so much th'omission of cæremonies, or exacteth in so strict termes their performance, as hee doth this of Tythes. Something I finde of their faultie performance, something of their sticking in them with neglect of moralities: And this to mee is a præsumption, they were other then cæremonies.

Lastly, I neuer read Christ speake so much of any Iewish Cæremonie, as he did of Tythes; *(f) These things ought yee not so leaue vndone*; though I confesse as much might haue beene said of Cæremonies during those times. All these considered, may I not conclude of Tything, it was no Leuiticall cæremonie?

f Math. 23.

To these Arguments thus hath my friend. *That all Cæremonies were shadowes of things to come, I would not haue supposed you would haue held; but that I see it in Print.*

And you may choose yet whether you will thinke it or no if you take my exegetickall termes of limitation. For I meane of Cæremonies, Leuiticall, Mosaicall,

Mosaicall, Aaronicall Cæremonies; as wee vse to take them contradistinctly to moralities and Iewish iudicials. And so vnderstanding mee, why would you not thinke it? I assure you I shame not to haue it in Print.

For all men know that there are two sorts of Religious Cæremonies in all Religions whatsoever: some significant and Sacramentall and Mysticall, other some for decencie and good order, And if Tythes be said to bee Cæremonies of order, I know no exception can be taken against it. 2. But we may goe one degree farther and say with Iunius, that of significant or mysticall cæremonies there are three sorts; one remembrances of things past; another demonstrations of things present: a third figures or shadowes of things to come: or as Beza speaketh, *Signa iunctiua, diuina, et quartina*. The Sabbath may serue for an example in all these respects, and whether Tythes were so or no who can tell? This we neede not be afraid to say, that Tythes were remembrances of benefitts receiued in times past, and demonstrations of a thankfull minde for the time present. For so they were in Abraham, Gen. 14. 20. And Iacob Gen. 28. 22. Yea in the whole time of th' Old Testament, seeing they were an oblation to the Lord. Numb. 18. 24, 26, 27, 28. And for my part also I am halfe perswaded that they were shadowes of things to come: If you aske mee where is the bodie which they shadowed? I dare not tell you my minde, least you laugh mee out of Countenance, and say its the deuise of a tolerable wit. This therefore is that which I say, that seeing the bodies of all cæremoniall shadowes are not made knowne vnto vs, it may as well be so for any thing yet appeareth, as other-

M

wise.

wife. And if it be not so in Tythes, yet if they be significant in the two former respects, yea if they were not significant at all, but only instituted for good order, it is sufficient to disprove that assertion, that all Ceremonies were shadowes of things to come. Yea it is sufficient also to answer your second reason, Ceremonies have an analogicall resemblance of the things they signified: seeing this presumeth the former to be true, that Ceremonies are shadowes of things to come: yea and the third too, for that hereby it appeareth, that that may be a ceremony, which was before the Law not foreshadowing Christ. And whereas you say, No Leviticall ceremony may be used after publishing of the Gospel; and alleadge thereto the saying of the Schoolemen, *Iudicialia post Christum mortua sunt; Ceremonialia vero mortifera*, Iunius seemes to mee to understand it better of Ceremoniall shadowes onely, and of Ceremonies Leviticall so farre forth onely as any of them doth shadow something in Christ: granting that though in other respects they be in their owne Nature mutable, yet that there is no absolute necessitie of remoovall thereof. So that you see, that though it were granted that Tythes were shadowes of things to come, yet they may be retained, so long as they are not retained in that regard.

And this answereth to the full, all that Dr. Carleton alleadgeth to this purpose, Page 16, 17, 18, 19. Whether in iest or good earnest. For he also presupposeth all Ceremonies to be shadowes of things to come. Where by the way it is good sport to see what game he maketh of this: that we say, Tythes are now used in the time of the Gospel not as a Ceremony but as another thing. And thereupon rideth the hackney distinction of Materialiter

VERUM

verum est, sed non formaliter, out of breath; so which neuerthelesse he must be beholden in the end whether he will or no. For fol. 35. pag. 2. When he answereth Abulenſis, that Tythes haue two respects; one in their generall ordinance, another in their particular assignation; and in regard of the former not instituted by the Law, but onely in the latter; what is this (I would faine know) but non materialiter, sed formaliter? &c. The rest my loue couers.

Ans. For answer. I hope you thinke nor Dr. Cayleton nor poore mee so simple or vnskilled, as not to know the notation of the name (whether of *Cares* the Tuscan towne, or a *carendo*) and the generall notion of the Nature of Cæremonies. Well we vnderstand it generally to denote any extremall rite of religion. This also wee conceiue, that there were Cæremonies in this generall sense taken, in vse amongst Iewes, which sort sufficiently with the state of the Gospel. There are naturall Cæremonies, such as lifting vp of hands and eyes to heauen, bowing the knee, prostrating the bodie in prayer: Religious rites apparently Naturall, and by Natures instinct in vse amongst Gentiles as well as Iewes. Neither much contend we, but there were some externall rites of Gods institution for Iewes which yet are applicable to Euangelicall worship.

But when we treat of Cæremonies contradiſting to moralities we meane and explicate our selues of cæremonies *Leuiticall*, *Mosaicall*, or if you please so to terme them, *Aaronicall* Cæremonies. Whose stile in Paul is vniuerſally, *elements*, *beggarly elements*, *shadows of heavenly things* to come; *The Law*

Col 2.20.

Gal. 4.9.

M 2

whereof

Hcb. 10. 1.

whereof was respectiue onely of the *Leuiticall Priest-hood*.

And of these this is that we teach; 1. That they were *all figures of things to come*. *Similitudes of heavenly things*; *shadowes of Christ* and spirituall things then promised, now exhibited.

2. Of these we haue further learnd; 1. That they retained their vertue and power of binding till the death of Christ. 2. That they were after his death, for a time, *libera obseruationis*, for more honourable bringing of the Synagogue to the graue; as not the now reuerend Bishop of Chichester, but that old renowned of *Hippo* first spake. Were also for that time to be tempered in vse by rules of Charitie, in fauour of weake Iewes, till fuller preaching of the Gospel.

1. 1. *Quest.*
101. *Art. 4.*

3. Yet were after promulgation of the Gospell *mortifera*, and could not, as *Thomas* speakes, be vsed *sine mortali peccato*. Will you heare his reason? because their vse implied protestation of such faith, as who shall now in dayes of new Testament profess, were worthy to be branded with note of grossest hæresie, no lesse then Iudaisme. The faith of fathers before Christ, and ours since him, is in the substance one; yet were th' Articles thereof to be specified in termes different. Theirs, as denoting Christ then to come; ours, as importing Christ already come. Proportionally their cæremonies were ordained to signifie things to come; and vse thereof implied such protestation in that people. As therefore he should sinne mortally, whosoeuer should now in profession of his faith *by words*, say, hee beleeues

Iewes in Christ, yet to be borne, to die, to rise againe: so no lesse mortally he, who shall vse any *re- all protestation or profession in fact* of such faith, as who so vseth these cæremonies, necessarily must doe, *Iam non promittitur nasciturus, passurus, resurrecturus, quod illa Sacramenta quodammodo personabant: sed annuntiatur quod natus sit, & resurrexit, quod hac Sacramenta qua a Christianis aguntur iam personant.*

Augustin.
Cont. Faust.
Manib. lib.
19. cap. 16.

What trow you? Will our Arguments now proceede? Cæremonious ordinances Leuiticall were all shadowes of things to come, carrying analogicall resemblance of what they signified, &c. *Vide fis.*

1. Not so; for euery man knowes all Religions haue some cæremonies of order and decency; not all significant and mysticall; And so might Tythes be cæremonies of order, say also of decency if you please.

Ans^r. Surely, I doubt not but the whole Leuiticall seruice of God was carried in the seemeliest fashion, and that there was strict obseruation of *prius* and *posterius* in all their *Cultus*. (1) *Let all things be done decently and in order*, is a rule of the Law of

1. Cor. 14.

Nature, and bound Iewes as well as Christians. Neither make I quæstion but Iewes had directions euen for the order and outward fashion of their cæremonious seruice, of Gods owne præscript, that the *modus* might be *kal' iugum*. But Sir you must remember, 1. That in the quæstion of Tythes, and the like, whether they were Leuiticall Ceremonies or no, we inquire of the Materials of Leuiticall seruice; and not of the *modus* and exteme fashion of performance, which commonly comes vnder the terme

of decency and order. 2. Next, I dare you to instance in but one cæremonie of order, if it were properlie Leuiticall, vpon condition to loose the benefite of this Argument if I euidence not, that it was of mysticall signification; and Typicall of something belonging to Christ or his kingdome. Be it then that they had their cæremonies of order, yet if those also were shadowy and figurall, how helps your distinction to contradict our proposition?

2. Yet one step further you will aduenture to goe; and its name is *Subiect*. I warrant you. Not all shadowes of things to come; for some were remembrances of things past; some demonstration of things present.

Sec. in 4.
dis. 1.

Ans. Euen so; wee haue long since learned of Mr. Iunius his Masters, that signes are some Remoratiue, some demonstratiue, some prognosticall. But can you name vs the Leuiticall cæremonie, that was so commemoratiue of things past, or demonstratiue of things present, that it was not also Typically prognosticall of things to come? I dare not bee ouer confident; memory decaies as age growes, and I am suddenned to addresse this answer to you. But cannot bethinke my selfe, nor I (suppose) you, of any Leuiticall Cæremonie, whether *sacrum* or *sacrificium*, or *sacramentum*, or *observantia*, but was withall shadow of something to come. The passeouer, a remembrance of *Angels passing ouer Israelites*, yet withall a (k) Type of Christ: The Manna reserued in the Arke, monument of the materiall bread miraculously giuen from heauen; but was it not also Type of Christ, the (h) *living bread which came downe from heauen*? That spight of the pie it must be true, which

1. Cor. 5.

1. Ioh. 6.

Paul

Paul hath; Leuiticall ceremonies were all shadows of things to come.

But say, I pray you, say soothely: doe you thinke Tythes were Leuiticall ceremonies if it be yeilded, that their payment in old Testament was remembrance of benefites receiued, and demonstration of a present thankfull minde? Thinke you all things done to God in remembrance of benefites receiued, in testimonie of a thankfull minde, Ceremonious, and Leuiticallie ceremonious? When *Zachee* offered that sweete smelling sacrifice, (*m*) *halfe his goods* m Luk. 19. *to the poore*, in part to demonstrate present thankfulness for his late conuersion, suppose you his fact a ceremony, a Leuiticall ceremony? when the deuotion of our forefathers, built Synagogues for our Nation, and erected Hospitals in remembrance of benefites receiued from God, suppose you their act Leuitically ceremonious: when *Pater Noster*, that is, not Poperie, but pore-blind deuotion, gaue Churches those large endowments of lands and other reuenues which *our Father*, our more cleare-sighted pietie hath stript them of, to rememorate pristine blessings, and demonstrate present thankfulness, can you thinke their fact therefore Leuitically ceremonious? This is my minde, in the maine of all my moralitie, its all by me done to rememorate past benefites, to demonstrate my present thankfull minde; yet can I not bee perswaded, I am herein Leuitically ceremonious. What then though it be granted, Tythes were paid by *Abraham* and *Iacob*, and in the whole time of old Testament in remembrance of benefites receiued, and to demonstrate a thankfull minde present; doth

this necessitate them to the Nature of Leuiticall ceremonies? I aske your iudgement.

Thus farre then we haue gone with you step by step, and yet finde not that you haue outstript vs. A third step you make wading into the depth of absurditie. And for your part you are halfe perswaded also, that they were shadowes of things to come.

But then I aske you; where is the bodie which they shadowed?

To this you. *You dare not tell, least laughingly I say, its the deuise of a tolerable wit.*

In verbo sacerdotis I speake it, I heartily acknowledge your wit, and other endowments of nature, industrie and grace, and yeeld them the reuerent respect belonging to them. But sure I should thinke you intolerable wittie, if you could shew mee in Scripture, the bodie which Tythes shadowed. Men and Angels, I should say, had neuer the wit which my friend hath attained. But leaue your daliance; and shew it. For your life you cannot.

More wittily and wisely a great deale you answer when you say, *The bodies of all Ceremonious shadowes are not made knowne vnto vs?*

Perhaps so too. Yet this mee thinks; who so will contend any ordinance of God Leuitically ceremonious, must be able to prooue it such, and that by shewing the bodie of it; else neither is any man bound to giue him credit; And himselfe may runne on shelues, no lesse dangerous, then those whereon Anabaptists and other *Antinomi* haue suffered shipwracke; see at your leasure the Introduction.

But supposing them shadowes of things to come,
thinke

think you then they may be retained in vse vnder the Gospell; your fourth step is a lanch so large, that a man may see you feare no colours: but are desperately bent to ouerthrow of this Argument; *You thinke with Mr. Iunius, that the rule Cæremonialia mortifera, must bee limited to Cæremoniall shadowes onely; and to those also so far forth onely, as any of them shadowed something in Christ; and would perswade me that I see, that though it were granted, Tythes were shadowes of things to come, yet they may be retayned; so long as they are not retayned in that regard, id est, as shadowes, but as aliquid aliud.*

Ans. Sure I confesse, I grow dim-sighted, and in this point so darke, that I cannot with helpe of my spectacles see your inference, except I might see Mr. Iunius, or you prooue what you say, against S. Paul. You shall therefore giue leaue (*salua reuerentia*) to enquire.

Whether according to truth, Cæremonies Leuiticall may be retained to any religious vse, or in *generè Cæremonia* vnder the Gospell; supposing them to be applyed *ad aliquid aliud*, provided that this *aliud* exceede, not the bound of a Cæremony.

Tell mee I pray you, is your indefinite, *Shadowy Cæremonies may be retained, though not as shadowes, yet in other regards*, Is it, I say, æquivalent to an vniuersall, or to a particular? May all, or euery such shadow be retayned in other regards, or meane you some onely? perhaps the particular in quæstion? for its not strange with you *instare in proposito*. As thus, whether thinke you sacrificing of beasts may now be vsed, suppose without thought of shadowing

N

Christ,

1. Tim.

Christ, or those other rites Iewish of laying hand on the head for confession of owne guiltinesse, and to denote apprehending of Christs death for attone-ment? let it be in another regard, suppose for testimonie of thankfulness vnto God, and in acknowledgement of his bountie in *gining vs all things so liberally to enioy.*

n Calv. de.
Instit. lib. 2.
147. sect. 16
lib. 4. cap. 10
sect. 14.

Or Circumcision, though not as a Sacrament or signification of *putting away the body of sinne, &c.* But in imitation of Christ, or sensibly to minde vs of the paines he therein endured for vs? I trow you will not say it. Th' Apostle I thinke is pręgnant for th' vnlawfull vse of them; and therefore blames *Colossians* and *Galatians*, not onely for entertaining their vse out of opinion of obligation, or as hauing vertue of iustifying, but as vniuersally vnlawfull for the state of new Testament. As when he mindes *Galatians*, that they were now out of the state, both of *Nonage and bondage*, and therefore *should not submit to Iewish Cęremonies*; meanes he onely, trow you, out of opinion of obligation, or in hope of iustification? or rather as Mr. *Calvine*, whom I reuerence, you adore, as simply (n) *not superuacaneous onely, but also noxious.* Because not *sorting with that order of education and instruction of growne men, such as comparatively to Iewes we are under new Testament.*

• Heb. 7.

When Paul from change of Priesthood inferres (o) *necessitie of changing the law*, that is, as I conceiue of all th' ordinances belonging to the Priesthood and seruice of Iewes; meant hee an abrogation onely of the former Law, and remoouall of the binding power thereof: or rather an antiquating and reiecting of it

it in such sort, as none might now vse the ordinances thereof? Apertly (p) *the Law is changed with the Priesthood*; ordinances subrogated in stead of the old, which admit no mixture with what belongs to the Priesthood of *Aaron*. Change of Lawes implyeth not onely abrogation of the old, but subrogation of new. Heb. 7. 12

Yet for more distinct explication that we may be seene handsomely to extricate our selues, notwithstanding the intanglement of *aliquid aliud*, and in other regards; Thus conceiue; That we neuer denyed vse of the things which were Iewish or Leuiticall Cæremonies; In them as in such like *tota aggregata*, we consider, 1. *Rem substratam in genere Natura*. 2. and *accessorium*, whereby they are constituted in *genere Cæremonie*.

The *Res substrata*, whether substances or Actions, considered as they haue being in Nature, and so haue fittesse for Naturall or Ciuill vse, who quæstions but they may be made vse of? as, whether the flesh of Bullocks and Goates may be vsed for nourishment, &c. did euer any doubt? And if this be the *aliquid aliud*, you or *aliquis alius* meanes, we contend not. *The earth is the Lords, and the fulnesse thereof.*

Creatures are good and made for vse. Euen in old Testament the same Creatures might be vsed to their Naturall and Ciuill ends; as now, water and wine, the *Res substrata* of our Sacraments, may be.

But the quæstion is, whether they may now be vsed as Religious Cæremonies (for I also shall anon bestride the hackney) if applyed to other ends then the shadowing of Christ? I should thinke no, for

Aug. epist
ad Lanna.

1 Col. 4. &
3.

Calvin. qua
supra.

Reasons before specified ; and for that, it may be in-
quired whether all and euery, or many, as well as one
and any ? Nor all I thinke, you will say, nor many,
for feare of Saint *Augustine*, and Mr. *Calvine* ; who
thinke it brings Iewish bondage vpon Christians li-
bertie. And may I not say it of any or one ? be-
cause the new Law of the new Priesthood hath or-
dained other, not onely *paucapro multis*, *perspicua
pro obscuris*, but *alia pro illis* ; and for that they
carry too great appearance of that euill, a new (q)
Nonage and bondage of Christians.

If that be objected, that water which then was
for legall purifying, and bread which then was *pro-
positionis*, are now made matter of our Sacraments.

Resp. When by like Authoritie other things bee
ordained as these, and cloathed with cæremonious-
nesse by the High Priest of our Profession, wee will
then giue way to lawfull vse of others : till then wee
will thinke it true which *Calvine* hath ; *Retaining or
Returning them is not superfluous onely, but also Noxi-
ous.*

But *obsecro te per modestiam tuam*, why such scof-
fing at Dr. *Carletons* graue aduise to heede in dispu-
tation exact distinguishing? your selfe may remem-
ber how those hackney distinctions, of *αὐτῶν* and *αὐτῶν*,
or as that famous dunse once vsed it, *Venum est non se-
cundum simpliciter, sed secundum uerum*, with the like
haue perplexed our disputations, and tyred both the
Asses, and him that rode him: and haue not forgotten
what æsteeme we held of such acute distinguish-
ers; as of famous dunses, or notorious wrang-
lers.

Denyes

Denies D. *Carleton* or reprehends the distinction of *Materialiter* and *formaliter*, as euery where insufficient or impertinent; or not rather the idle application of it, as to others, so to this particular?

Or is *himselfe beholden to it*, so as he quarrels it abused by others? What when he telles *Abulensis* Tythes haue two respects; *one in their generall ordinance*; another in the particular assignation, is this abusiuely to say, *Verum est non materialiter sed formaliter*? Apertly its true they had their ordinance generall before the Law; All as apertly they had their assignation to *Leui* by institution in the Law; And manifest is the difference, betwixt a generall ordinance and a particular assignation. As its cleare, your selfe confessing, Competencie of Ministers maintenance hath two respects; one in the generall ordinance; another in the particular distribution. The generall ordinance is by law Morall; the particular distribution is *secundum arbitrium humanum* guiding it selfe, as you after speake full wisely by *patrimoine, merits, necessitie*. My good brother, *Integerrima, non deest Theologum*; much lesse *Sarcasmes* or *muterismes*. Its a queint peece of Rhetorique where-with it should seeme you are well acquainted, to e-leuate where we cannot answer, or confute: Let vs leaue it in serious quæstions; in them let vs endeavour to be solide and punctuall. But thus I thinke we haue cleared the ordinance for Tything of all touch of Cæremonialtie.

See we next whether perhaps it were a Iudiciall concerning only the nation of Iewes, and founded on æquitie particular to that people. This is indeede

the old tenet of Papists. But, say some, Iudicials were all of duties from man to man; This ordinance of holy things to be done to God: therefore not Iudiciall.

And what, trow we, imagine Papists to be the ciuill æquity of this ordinance, particularly concerning the nation of Iewes? Forsooth, The tribe of Leui being but the tenth at vmost the twelfth or thirteenth part of the Iewes, Tenths must bee theirs, that æquitie may be kept, and that tribe haue no greater portion then the rest.

Resp. 1. Its well obserued that this end of their assignement to Leui hath no mention in Scripture: They are assigned to Leui for recompence of his seruice as Gods portion primarily: other end or reason of their Assignation we finde none.

2. If this were the end of their Assignment to Leui, surely the Lord much forgot himselfe; who besides the tenthes of all mens increase, would allot them share in Sacrifices and vowes: and 48. Cities with suburbs of so large circuit as we reade, *Numb.* 35. 4, 7.

3. Be it granted, this was some reason of their assignement to Leui, how concludes this the ordinance in generall? for the iniunction of Tything was elder *then* (r) *Abraham*, when was no place for partition of Gods people by Tribes. And if this be all their Reason to prooue them Iudiciall, I shall craue pardon for subscribing to their Iudgement.

Lastly, yeeld them Iudicials, yet if of common æquitie, if consenting with the Law of Nature, &c. bindes not the ordinance for euer? &c.

To

Gen. 14.
20.

To this thus. 1. The reason sayeth, for that it presupposeth that false ground, that all duties prescribed doe fall under some one member of this distribution, which is not so. So that although Tythes as Caremonials be of duties of man to God, yet as Iudicials they are duties of man to man. Secondly, doe not many Iudicials concerne duties of man to God? Is not the precept of the Sabbath in part iudiciall? Thou, thy sonne, thy daughter, thy bondman and bondwoman, yea and the Cattell also shall rest? Surely it is so; else the learned are generally deceived. Yea you your selfe are deceived also. For else how can that be true. To every dutie Magistrates may binde by law and compell by punishment, Page 3. for I suppose you will not denie, but all lawes of Magistrates as theirs, are politique, and in this sense iudiciall.

Your second reason is made by way of demand; what is the Civill aquitie in Tythes particularly concerning the nation of Iewes. To which not Bellarmine nor Thomas, but the Lord himselfe shall answer, Numb. 18. 20, 21. Because I have given the Children of Levi all the Tenthes in Israel for an inheritance, therefore they shall have none inheritance in the land, &c. This end of the Assignement of Tithes to them, I am sure hath mention in Scripture: so that I wonder you say, wee finde no other end thereof, but recompense of service. Whereas when this is objected, pag. 38. You answer you claime not Tythes by precept given to Levi, acknowledging therein, that Tythes as given to Levi have some other consideration, then of a recompense for service, for if not, you might well claime them in that sort, at least by proportion, as indeede you doe, Page 39, 40.

Now then if the matter of inheritance bee a Ciuill thing (as I thinke no man denieth,) I am sure our Saut. our so esteemed it, Luk. 12, 14.) And if ciuill aquitie require, that he that is deprived of his inheritance, should some other way be requited, and if Tenthes be part of the requitall made to the Lewites by God himselfe in lieu of their inheriuance denyed to them, for my part I must needes acknowledge, that I can see no Reason why you should either demand or denie, but that there is a Ciuill aquitie in Tythes particularly concerning the nation of the Iewes. And whereas you often beate upon the share which the Lewites had in sacrifices and vowes, and the 48. Cities ouer and aboue the Tythes, I hope once for all to giue a sufficient answer thereto in the last Argument. For the iniunction of Tythes in Abrahams time inough hath bene said already. Your third reason is made by way of Concession; that though they were Iudicials, yet seeing they are of common aquitie, confirmed by law positive, consenting with the law of Nature, seruing to uphold morall duties, doth not (say you) the ordinance binde for euer? To which I answer, noe, in no sort. For no Iudiciall can be so made, that it can be Catholique for all persons, times, and places. For if it were so then were it not iudiciall, but morall: and it implies to say a Iudiciall as a iudiciall bindes for euer. And this that I haue answered to you, may serue for answer to Dr. Carleton also, Pag. 20.

Ans. It may indeede Sir, if we will so take it; you know the prouerbe, A little thing pleaseth Children and fooles; and had you not thought vs both Babies, you would neuer haue giuen vs so many words with so little thing.

My

My honest friend, till now I neuer questioned your vnderstanding in diuinitie; I am now halfe at a stand. You haue grauelled mee, I confesse, not with sufficiencie of answer or weight of Reason, but with depth of absurditie. Therewith you astone me, say I beseech you say; doth matter difference Cærimonials from Iudicials, yea or not? I am afraid you will anone play the Philosopher, and tell me matter. i. first matter differenceth nothing; But man, wee speake of *materia Circa quam*. And that I tell you, in distinction of Mosaicall lawes Iudiciall and Cærimoniall is a great matter, halfe as much as the forme, the specificall difference. Is the matter of Iudiciall lawes or offices, of things from man to man? and are Tithes holy to God? I thinke then their law cannot be meerely or mixtly Iudiciall. For in my apprehension it implies to say; the matter subiect is holy, and the law inioyning it, is Iudiciall. Sir conceiue in lawes there is, 1. iniunction; and 2. there is inforcement: the inforcement may be iudiciall, or to vse your owne terme Politique or Ciuill, where the dutie is Religious, and the iniunction meerely referenced to pietie.

The occasion of your Gull in this parricular let mee show you, that you may præuent it in the like; maintenance soundes a Ciuill thing; and *Homo is animal politicum*. Because Tythes are maintenance, and Ministers men, doe you therefore thinke their ordinance is politique? You doe; but with how great error? For though Ministers are men, and Tythes their maintenance, yet in the allotment of this maintenance they are not respected simply as men, but

1. Tim.
13. 17.

as (*s*) *men of God*, and with that reference are Gods Tithes giuen them, as maintenance of *Gods men*, as recompense for the seruice they doe to God; without which relation they could haue no title to the holy things of God. In one word thus, for I would explaine my selfe. Not euery act or dutie reflecting vpon man or his temporalities, is Iudiciall or Politique; for then must prayer it selfe, then which nothing is more meereley religious, be a Ciuill dutie; but that onely is to be esteemed such, whose prime or Natiue reference is vnto man.

Your second errour, or fraud rather in this answer is this; that whereas the *quære* is of *diuine lawes* Iudiciall or Cæremoniall, &c. Iudicials you extend to any Ciuill or Politique lawes of men; surmising all lawes Politique of men, to be the Iudicials wee speake of; whereas apertly to euery mans apprehension, the question is, whether *Gods Law* made for Tithes, be amongst his Iudicials, Cæremonials, or Morals. Good Brother seriously thinke of it; wee contend not *de lana Caprina*: how farre should impertinent homonymies be from vs?

Say now what you will, with the distinctions præmised I vndertake to salue all that you haue with greatest cunning knit and snarled.

Doe not many Iudicials concerne duties of man to God?

Resp. Iudicials many doe concerne duties of man to God; by way of *enforcement*, not of *inunction*. Thus I meane; No Iudiciall *qua talis*, hath for the matter subiect, a dutie immediately belonging to God; why man, it implies to say so. Yet many Iudicials

Iudicials tended to *enforce*, the performance of meere pious offices by way of *panaltie*; As, *who so burns incense to another God must bee stoned to death*; the enforcement was Ciuill, but the dutie Morally religious, which vnder this interdict of the sinne was intentionally inioyned. Looke you Sir, thus runs my Catechisme; there were Ciuill punishments ordained for omissions or violations of Religious offices, *Dent. 13. Et alibi passim*. Which may be said so farre to concerne duties of man to God, as they vrgē to performance of them. But, *obscuro te*, are the duties, which these pænalties tend to enforce, politique, because pænalties enforcing them are in a sense politique? Wee must yeeld to a new tralacing of all our diuinitie, when principles of it are growne into quæstion. This I haue learned; Cæremônials determine duties of first Table; Iudicials of second. Cæremônials order man to God; Iudicials, man to man. Will you say *qua tales*? I confesse it. But what is a *decem sales* or a twentie *qua sales* to the purpose? you know wee deale here with men which hold Tything meere Iudiciall, the law inioyning it meere concerning the politie of Iewes. Else mixtmes could neuer quite vnmorall the dutie.

Is not the precept of the Sabbath day in part Iudiciall? Thou, thy sonne, thy daughter, &c.

Ans. I pray, be answered in a word, the precept of the Sabbath day is a precept of the first Table; therefore no iudiciall. Father and sonne, sonne and daughter, bond and free were bound religiously to obserue it; And for my part I know no clause or syllable in the bodie of the precept sounding

* Pro. 12.
10.

towards Iudiciall; The rest euen of Cattell, there inioyned hath respect to religion; 1. *As a worke of mercie*; you know who said, *the righteous is mercifull to his beast*: 2. And is inioyned there as a helpe to the deuotion of men, because the vnrest of Cattell implied impediment of their whole vacation to the seruice of God. Neither yet *are the learned generally deceiued*, but you learned amongst many and ouer many haue misconceiued; some accessorie ends of the Sabbath some learned say were iudiciall; how truly, *ipsi viderint*; but few, I dare say, very few learned giue your instance.

Yea, *but my selfe say, To euery dutie Magistrates may binde by law and Compell by punishment.*

* 2. Chron.
35.
w Dan. 6.

True, I said it; and so saying, I said true; But did I therefore say, euery duty was Iudiciall? Good Sir be aduised, *Iosias compelled (u) the people to serue the Lord*? Was that seruice therefore iudiciall? *Darius made a decree, (w) that in euery dominion of his kingdom, men should tremble and feare before the God of Daniel*; Is Gods feare therefore a Iudiciall, in your terme, a politique duty? Take heed you turne not all Religion into policy: I should rather say, the decree was a religious decree: though the Authoritie was ciuill that made and enforced it.

Remember, I beseech you, to distinguish betwixt the 1. duty inioyned, and 2. the meanes of enforcement. I will pawne my credite, you shall neuer hereafter say, all duties are politique, to practise whereof, lawes politique vrge or enforce vs.

To my demaund, what is the Ciuill acquitie in Tyths particularly concerning the Nation of Iewes,
you

you say, not Bellarmine nor Thomas, but the Lord himselfe shall answer.

Ans. How with I Thomas or Bellarmine, or any other *Θύμαχος*, had fathered a lye vpon the God of truth, rather then my so much esteemed pious friend. Said God euer, *Leui* should haue Tythes, because they had no other inheritance? Good Sir, put on your spectacles, and againe consult the text. Not because God took from them their inheritance, therefore he giues them Tythes; *but (r) because hee gave them Tythes, therefore they shall haue no such inheritance.* How little a iutt may turne vs aside; and make vs through want of diligent heede taking, peruert Scriptures; Tenderly, tremulously handle them, especially where you meane to be confident; Its no small sinne to say, God saith, what neuer came into his heart.

And good Sir say, what requitie bound the Lord to requite *Leui* his disinheriting; merited by his (y) cruell rage; prophetically sentenced vpon him by *Isa. 66*; was it requitie ciuill, or other which inclined the Lord to assigne him his owne portion? or rather meere mercy and bounty? that whereas he had brought vpon himselfe the curse from his owne fathers mouth, (z) of dispersion and scattering in *Israel*, the mercifull God would not yet leaue him vnrespected, but out of his owne portion giue him allowance for his liuelihood. And to make him capable, (a) Assume him of all the Tribes to minister before him in the Sanctuary. I assure you Sir, you haue almost tired me with impertinencies; yet you giue me refreshments. For sure its sport to see how you and

x Num. 18.

24.
Deut. 18.2.

Gen. 49.

Gen. 49.7

Num. 16.

9.

my Cauiller play with the terme of wages and inheritance. Wages is a ciuill thing: Inheritance, a ciuill thing, you haue texts for it; and are sure Christ esteemed it so. Ergo th' ordinance of Tything at least to Leui was Iudiciall.

6 Col. 1.
12.

Ans. The Lord is my Portion and Lot of mine inheritance said *David*; I thinke you will anon make the Deitie some ciuill thing. God hath giuen vs (b) inheritance with the Saints in light; some ciuill thing I warrant you. Dally not thus with Scripture Metaphors; if we listed to vrge the *illu*, wee could aske, what father that was from whom this inheritance descended vpon *Leui*? for, inheritance properly we conceiue, possession descending from father to son, opposing it to what wee enioy by way of purchase, donation, legacie, or other meanes of procurement. From whom then descended this inheritance vpon *Leui*? likely from *Jacob*: to him from *Isaac*: to him from *Abraham*. A descent wee shall fetch anon from before the Conquest of *Canaan*, or the five Kings: I doubt not but from *Adam*. But *de his haftenus*.

Sir, mine eyes ake in desire to trace you to a haire, must I yet affoord mine Argument vpon concession a little support? Certainely the crime of implication iustly charged on mee, would make mee, blacke as I am, bluish.

Let me see: implyes it to say, a iudiciall of common equitie bindes for euer? this is all I say. You are not ignorant what a iudiciall is; a Law determining ciuill iustice betwixt man and man; nor, that there are iudicialls some of particular; some of common

mon æquitie; suppose such as flow from rules of the law of Nature. Will you say, such are morall? I say so too. But dare you say such iudicials cannot bee Catholique? Nay are they not all Catholique for all persons, times, places? Why els styled iudicials of common æquitie? Taking it as schoolemen contradistinctly to Morall and Cæremoniall after *Moses*, it would imply to say iudicials, as iudicials binde euer: but to say such iudicials as such, suppose as iudicials of common æquity binde euer, I am sure implies not contradiction but truth; for such are also morall, and therefore binde for euer.

The last reason is taken from practise of the Church in all ages, from beginning of the world downe to these last dayes of reformation.

Euer since God had a settled ministry in the world, Tythes were their maintenance. Before the Law, the first borne then th'ordinary Priests (as best learned iudge) receiued Tythes. For that that (c) *Melchisedec* was *Shem Noahs* eldest sonne, at least, *Gen. 14.* by priuiledge, if not by birth, few quæstion, none dispute.
prooue.

For the time vnder the Law, is no quæstion. For Apostles times or much of them, the vse of Tything in some Churches persecution or scandall forced to be intermitted. Yet continued that ~~in~~ euer in them, and their inferiour Præsbyters: yea by iudgement of most iudicious Diuines came into vse in Churches where was no feare of scandall, and where the people retained dominon in their possessions. In their writings they may be obserued to vrge yeelding of maintenance, such no doubt in their generall

aime, as was certaine by the word of God, such as had beene in vse; I dare say no other then what they thought due *ex lege Iustitie*, and not onely *charitatis*. Yea pleade for portion of (d) all goods; for
 d Gal. 6. 6. *ritatis*. Yea pleade for portion of (d) all goods; for
 e 1. Tim. 5. 17. (e) double honour. After when God was pleased to grant euen but a little rest, and breathing time to the Churches, præsently came Tythes againe to bee the Ministers Portion. *Cyprian*, (whose Martyrdom fell into the yeare of our Lord, 259. after *Ensebius* his Computation) amongst other goods of the Church more then intimates Tythes to haue beene committed to Bishops, as generall Stewards by them to bee distributed to inferiour Ministers. Vpon occasion taxing *Geminus Victor* for appointing *Geminus Faustinus* ouerseer of his will, and thereby occasioning distraction in his Ministerie, sets down by way of aggrauation, the course established in the Church of God for preuenting such distractions in the Ministry.

As by Gods owne authoritie and disposition, the tribe of *Leui* receiued Tythes from the other tribes, &c. that they might by no meanes be called away, or constrained to thinke of, or deale with things secular: the same course and order is now holden in the Church, *Vt qui in Ecclesia Domini, ordinatione clerica promouentur, in nullo ab administratione diuina auocentur, nec molestiis & negotiis secularibus alligentur, sed in honore sportulantium fratrum, tanquam decimas ex fructibus accipientes, ab altari & sacrificiis non recedant, sed die ac nocte celestibus rebus & spiritalibus seruiant.* This mentions *Cyprian* as a course in his time receiued in the Church. In the same age

age a few yeares after, (y) was *Dionysius* Bishop of *Rome*, about the yeare, 266. This man, as *Platina* ^{y Cent. 3. ca. 10.} in his life testifieth; and as himselfe, of himselfe, in his Epistle to *Seuerus*,) assigned severall Churches to severall Ministers, as Parishes, least one Pastor might defraude an other: (z) the quæstion being then, not whether to any, but vnto what Church Tythes were to be paide. The conclusion extant at large in the body of the Canon Law, with some reasons (both most consonant to his decree;) it will not be amisse briefly to collect; because it is of some vse in this matter of Tythes. That which is prooued there, is that Tythes are payable to the baptismal Churches, and to the Ministers, there seruing God, and ministering to the people. After many testimonies heaped vp together, *Gal. 6. 6. 1. Cor. 9.* at length it is concluded with this expostulation; *Quis plantat vineam, &c.* Who plants a Vineyard, and eates not of the fruit thereof? *Nos plantauimus vineam, & vos vultis edere?* Item *præcipit Dominus per Moysen, vt nemo mittat falcem in alienam messem, Hac messis nostra est, & vos vultis falcem in eam mittere?* Item *Apostolus*, they that serue at the Altar, liue of the Altar: *sed numquid de eo cui non seruiunt? Qui in sacrario operantur, cum sacrario participant: sed num. quid cum illo in quo non operantur? &c.*

z Gratian.
Caus. 13. q. 1

That I may not spend time and paper, whiles I doe but *actum agere*: for the next age, reade what *Hierome* hath touching practise of the Church, in his Epistle to *Nepotian*; *Ambrose* his iudgement in *ser. quadrages.*

In times succeeding, *Chrysost. Hom. 18. in Act.*

P

August.

Augst. in Psal. 146. &c. calling for Tythes, and sharply reprooving their detainement, or spare payment. For Councils, that one Synode of Matiscon, held anno 580. The second holden at that City, Canon. 5. not onely ordaines their payment, but sheweth the obseruation of that duty to haue beene of long standing in the Christian Church. Leges diuinae consulentes sacerdotibus ac ministris ecclesiarum pro hereditaria portione, omni populo preceperunt, decimas fructuum suorum locis sacris prestare, ut nullo labore impediti, per res illegitimas, spiritualibus possint vacare ministerijs. Quas leges Christianorum congeries longis temporibus custodiuit intemeratas. Nunc autem paulatim prauaricatores legum, pæne Christiani omnes ostenduntur, dum ea quæ diuinitus sancita sunt, adimplere negligunt. Vnde statuimus ac decernimus, ut mos antiquus a fidelibus reparetur, & decimas ecclesiasticis famulantibus caremonijs populus omnis inferat.

After this say the Century writers out of Auentine, lib. 3. Annal. decimas a profanis occupatas Carolomagnus suo edicto restitui iubet. Tythes vsurped by seculars, or (as perhaps hee names them for their fact) profane persons, Carlomane by his edict commands to be restored. The same authours out of Crantzius his metropolis, lib. 1. cap. 8. Talem statum Carolus magnus, post impositum iugum Christi reliquit in Provincia, ut liber esset populus a tributorum iugo ceterum Ecclesijs & Pontificibus iure decimarum obnoxius permaneret.

To leaue forreners, in England, Anno Dom. 786. after accompt of these writers, was holden a Synode of

of all States of the Kingdome, and the decrees thereof subscribed, by the severall Kings then reigning; and their assessors, Bishops, Dukes, and Cominalty. In the 17. chapter of which Council, thus we read. *De Decimis dandis, sicut in lege scriptum est, decimam partem ex omnibus frugibus tuis seu primitiis deferas in domum domini dei tui: rursus per prophetam: adferre, inquit, omnem decimam in horreum meum, ut sis cibus in domo mea; et probate me super hoc, &c. dicit dominus: sicut sapiens ait, nemo iustam Eleemosynam de his quæ possidet facere valet, nisi prius separaverit domino, quod a primordio ipse sibi reddere delegavit: ac per hoc plerumq; contingit, ut qui decimam non tribuit ad decimam revertatur. Unde etiam cum obtestatione precipimus, ut omnes studeant, de omnibus quæ possident, decimas dare, quia speciale domini dei sui est: et de novem partibus sibi vivat, et Eleemosynas tribuat.* More need not be added. How in after times the case of Tythes stood amongst vs, practise of the Church in this land till the dayes of *Henry* the eight, abundantly witnesseth: exorbitancie enough from the primary rule of assignement to Parish Churches, might bee noted: but till those dayes nothing is found of their whole alienation to seculars.

As a corollarie here let vs observe, that Tythes of *England* have beene by Law separate from common vse: the inference thence is, out of former grounds, that they could never be lawfully alienated. Yes said one once, for *eius est tollere, cuius ponere.*

Resp. Peter was not acquainted with any such *Maxime* in the case of *Ananias*; and *Levit. 27.*

Things once separated from common vse, are for euer holy vnto the Lord.

system polit.
l. 1. cap. 21.

And heare *Keckerman, Princeps iure non potest, &c.* Things sacred or goods designed, or destinated to diuine worship, though but in a generalitie, yea though they serue to superstitious worship, Princes haue no right to transferre to common vse. If his sentence sway nothing, heare his reason. *Res sacra pertinent ad statum et scopum reipub. Eminentiorem et perfectiorem; ideo ad inferiorem retrahi non debent. Media enim perfectiorem finem respicientia, non debent abusive ad imperfectiorem applicari.* And *Polanus, Res sanctas, è quarum numero est possessio Deo sanctificata, neque vendat, neque permutet, neque transferat quisquam. Ratio legi addita est; quia res sancta non sunt hominum, sed ipsius Iehoua, cui dicata, cui consecrata, cui sanctificata sunt, &c.* *Ambrose*, when one thus presseth him to deliuer vp the Temple to the Emperour; because all things were his: thus answers; *Noli te grauare Imperator, vt putes te in ea quæ diuina sunt imperiale aliquod ius habere; noli te extollere: sed si vis diutius imperare, esto Deo subditus: Scriptum est, quæ Dei Deo, quæ Caesaris Casari.* But enough of this.

In Ezec'h.
48. ad ver.
14.

Epist 33.

Wee haue seene the practise of the Church in all times, and so their Iudgement for this duty of Tything; which alone, so long, so generally, on such grounds continued, mee thinkes prooues more for their payment, then anie præscription, though neuer so gray-headed, or euen balde with age, can for their detainement.

I might

I might adde to this continuall practise of the Church, the vnanimous consent of diuines in Iudgement, from Apostles dayes downe-ward; till such time as Pöpish demi-sacriledge had made seisure of Tythes, transferring them from parochiall Pastors to their Couents of Drones: then began their Schoolemen to studie shifts, whereby to Iustifie the practise of their *Synagogue*; and after many disputes, resolued of this, as best plaister for that sore, that forsooth they were Iudicials. I might also adioyne the consenting practise of Heathen by light of Nature: Yea suffrages of sundry late Diuines; but that this taske is sufficiently done by others; and authorities of men euen best learned and deuoutest, beare little sway in truthes so dangerous. This only I desire, that in this quæstion we may contend with reasons, rather then authorities: not that I feate to be ouerlaid either with waight or number of voices; for the oddes in both kindes, I dare auow to be with vs. But, 1. whereto tends committing of Diuines in fight, except to worke distraction in people? And, 2. the saying of *Augustin* is mee thinkes Iudicious, *Scripturarum autoritatibus, non quorumque propriis, sed utrisque communibus testibus, res cum re, causa cum causa, ratio cum ratione concertet.*

To this reason from practise of the Church, thus hath my friend: *Your last reason taken from the practise of the Church in all Times indeede is a good reason if it be true. But it is not so soone prooued as said. For first before the Law is is denyed, that stipendarie Tythes were in any use at all: whether by good and sound reason, yea or not, let the first of Gods word trie.*

Ans. Tis well yet this last Argument hath found fauour in your eyes, though but with an (if) to bee applauded good; Labour of new prooffe you would faine put vs to, when your selfe it sufficeth to deale with prooffe-lesse deniall: As touching the period of time before the Law, whether then Tithing stood in force by iniunction, I referre your selfe and other Readers to what is said in clearing the first Argument: Onely least my title of stipendarie offend and be mistaken to be your base wages. Remember there is *stipendium duplex; Honorarium & Mercenarium.* Of the first kinde were Tithes euer after, vnder, and before the Law. No fire of Gods word will giue light so cleare as to see the Contrarie.

Since the Law you say, and you doe but say, that though vse of Tithes in Apostles times (vnderstand mee I pray for some of their time and in some Churches) was through persecution or scandall and burthensomenesse forced to be intermitted, yet the Ius thereof continued in them and their inferiour Presbyters. But God bee thanked the Historie of th' Apostles times is not so Apocryphall, that wee can bee bobbed therein after this manner. First, therefore we say, that th' Apostles were not forced to intermit vse of Tythes in those times; but that they had vitterly no right at all to them more then to a sufficient lawfull maintenance. For from whence had they their right? from the Priesthood of Christ? that's denied. From the Morall institution of them from the beginning? that's denied also. From the Leviticall assignation: you renounce that your selfe; The truth therefore is they had no particular right to them, but a generall to a sufficient lawfull maintenance, the con-

constitution whereof is this. 1. Cor. 9. 14. The Lord hath ordained that they which preach the Gospel should live of the Gospel. Else tell vs (I pray you) why did they not claime their Morall right? why did they not take it? why did they intermit it? you shew vs three impediments. Persecution, scandall, burthensomnesse, or as Dr. Carleton speaketh, Cumberfomnes. And doe you suppose in good earnest, that a man may intermit a Morall precept, for th' auoyding of any persecution, scandall, or bodily trouble? Alas what poore diminutie is this. It was wont to be said that no Morall precept may be left undone without speciall dispensation from God. In which regard its giuen for a rule of interpretation of the Decalogue, that euery commandment must be absolutely performed vnder paine of aeternall condemnation, nisi Deus aliud iubeat, vel permittat. Wherefore vnlesse you can prooue that th' Apostles had a dispensation from God to intermit the vse of Tithes being of Morall institution as you say, you bring a grieuous scandall on them. You plead the neglect of Circumcision in the wildernes & so doth Dr. Carleton: but was that neglected without dispensation? the text, Iosh. 5. 4, 5. Is plaine that though it were not of Morall institution, yet it was done by Gods expresse approbation. This therefore cannot excuse the intermission of Tithes.

But speake in good sadnesse, why should persecution, or scandall, or burthensomnesse hinder Tithes more then any other maintenance? Could th' Apostles take the whole prices of lands and houses, Act. 4. 34. & 5. 2. And could they not take the Tithes? Could they make great collections in all Christendome, and conuey them from

Countrie to Countrie, Rom. 15. 25, 26. Et alibi; and could they not take the Tithes? What a vaine thing were it for any man to say so? Lastly, was it not also scandalous and cumbersome sometimes for them to take other maintenance? Act. 20. 24. Et alibi: It cannot be denied. Wherefore these are no reasons for the intermission of Tithes.

*Ans. Tis prettie libertie you Confuters take to your selues, and it seemes you promise your selues much from those who shall reade you: when you thinke it sufficient to reiect Arguments with a bare deniall. It calles to minde the scombe of one, merily, yet iustly fastened on him, who in a serious Controuersie at an Vniuersitie Sermon, with three prouerbes confuted *Bellarmino*. In explicating the state. *Bellarmino* was in a wrong boxe. His distinction was to helpe the lame dogge ouer the stile; producing his Arguments. He telles *Bellarmino* stoutly, he must not carry away the matter so. When yet for aught was said to the Argument, it carried away the Conclusion so, that a thousand Prouerbes could not rescue it. Sir, is this to confute? to enumerate grounds of right alleadged, to enumerate imperfectly too, and without reason to say they are all denyed? Good Sir, giue vs Reason for reason yet; bee not so stiffe in deniall as to deny vs a request so reasonable.*

*I was about to giue you another ground of Right to Tithes, euen that which *Paul* builds on, 1. Cor. 9. 9. *Christs ordinance for them that preach the Gospel, to liue of the Gospel.* You intercept mee in it; and with an incongruous distinction of particular and generall right, labour there to found your *individuum**

vagum

vagum of a sufficient lawfull maintenance.

I pray tell mee what meane you by *particular*, what by *generall right*? Thus I should conceiue; particular right that which belongs to a man particularly, in some particular or personall respect proper to him. As generall what belongs to him in common with others, or in some generall respect. With you it seemes, Right is particular, if the thing, to which a man hath right, be particular or definite; generall if the thing be generall, and indefinite. You speake improperly, incongruously. Let that passe. Let this bee our issue in this passage, whether that which in *Pauls* terme is, *living of the Gospel*, import *definitis aliquid*, or whether it be indeterminate, and *indivinduum vagum*.

What say you to that Argument of Dr. Carleton, fol. 23. Every ordinance of the Lord inioyning any part of worship, is certaine, or definise for the matter or thing ordained.

But this ordinance of the Lord is for a part of his worship. Ergo, for something certaine and definite.

Consult the text in the *wayman*; h'other member of the Comparison. *They which Minister about holy things, live of the things of the Temple*; that is, of those set selfe particular things offered in the Temple; as your margine well gives the reference; *the burnt offerings of the Lord and his inheritance*. Deut. 18.1. This maintenance and meanes of liuelihood is definite: and *they which waite at the Altar* are partakers of the Altar, that is, of those sacrifices offered vpon the Altar; this maintenance is definite. So hath Christ ordained, that they which preach the Gospel

shon'd line of the Gospel, that is, as I cannot but be confident, of that maintenance and meanes of liuelihood, appendent, appertinent, annexed to the Gospel; that very definite and determinate maintenance.

What is that? doth your termes of *lawfull and sufficient* sound it? what more vaguing and indefinite?

Because no small light will come to the quæstion by opening the phrase of living of the Gospel, yeeld mee to be a little more prolix.

To live of the Gospel is commonly apprehended, to haue maintenance and meanes of liuelihood *for preaching the Gospel*: from that misconstruction of the phrase flowes the dreame, of any something, competent and sufficient, as they terme it, giuen in way of recompence, to keepe the Ministers life and soule together. These conceit that (*ἐκ τοῦ εὐαγγελίου*, of the Gospel) to denote the imployment by which they liue.

Fallor? or doth that (*ἐκ*) in this place denote the *materia ex qua* of their liuelihood. So that tropically the Gospel is here put for *Euangelicall maintenance*, or that portion of temporalities appendent, appertinent by ordinance to the Gospel. This reason is of this apprehension. To be *partaker of the Altar*, or with th'Altar, apertly signifies the materials of Altar seruice: suppose Sacrifices and burnt offerings; and not imployment about the Altar. *To live of the things of the Temple*, is to live of the things offered in the Temple; those being the *materia ex qua* of that liuelihood: who can apprehend otherwise but that, (*of the Gospel*), is of the things, the portion of

of temporall substance appertinent to the Gospell. To partake of the Altar is not to partake in the seruice of th'Altar, thats no *matter* of liuelyhood, but *merit* of it. To liue of the things of the Temple is so plaine to denote *materials*, not *merits* of liuelyhood, that blinde men may discerne it; Necessarily therefore, (*of the Gospell*) is not merits, but materials; the things of the Gospell, the temporalities of the Gospell, annexed thereto by the Lords ordinance. Conceiue th'Apostle thus; there is Legall or Leuiticall seruice; to it, there is belonging Legall or Leuiticall maintenance; or thus, there is a Temple and Altar seruice; to it there is allotted by ordinance, as its such, Temple and Altar maintenance; to wit, the things of the Temple, the things of the Altar.

There is an Euangelicall seruice, that is to preach the Gospell; to it is appertinent Euangelicall maintenance, the things or temporalities by the Lords ordinance appertinent to the Gospell.

The consecratories here are these: 1. that the Gospell hath appertinent to it things or temporalities of the Gospell; as the Temple and Altar had things of the Temple and Altar appendent to them for support of that seruice.

2. That the things appertinent to the Gospell by ordinance, are certaine and definite; as the things by ordinance appertinent to the Temple and Altar were certaine and definite.

Tell mee, I beseech you, tell mee, what those certaine and definite things of the Gospell, allotted it by the Lords ordinance are, if they be not Tithes.

Thus is my close. Apostles and their inferiour

Q₂

Presby-

Presbyters had right to that definite maintenance determinately assigned by ordinance to the Gospel.

Tithes, not indefinite competencie, are that definite maintenance determinately by the Lords ordinance, assigned to the Gospel. *Ergo*, they had right to Tithes.

But might not, did not Persecution, Scandall, and Cumberfomnesse hinder the vse of Tythes in those daies, supposing the maintenance allotted to the Ministerie? that I affirme, but am demanded *whether in iest or good earnest I suppose a man may intermit a morall praecept for the avoiding of any persecution, scandall or bodily trouble.* Here also as much pitie is taken of our poore diuinitie, as we can possibly affoord your lamentable and woefull Confutation; *with out and alas what poore diuinitie is this?*

^a Heb. 10.
34.

^b Isa. 58.3.

Ans. Now truly Sir, In my best earnest and soberest sadnesse this I suppose and beleue. That, vse of my right by Morall praecept belonging to mee, I may be forced by scandall and persecution to intermit, to neglect, to contemne. As thus: persecution may force mee from vse of my goods, my lands, liuings, wherein I haue by morallest Iustice, Iustest moralitie my propertie and dominion: And this I thinke, the case may fall, wherein (a) *suffering spoile of my goods* may be to mee as to *Hebrew Christians, my ioy, and Crowne.* And this I thinke, I may omit claime of my *debts* which by Morall praecept belong vnto mee; yea cases there be wherein it may be my sinne to (b) *exalt them.* And this I thinke in good earnest, I may intermit claime of the maintenance, what euer it is, due for my Ministerie, in case of scandall.

scandall. I am sure *Paul* did in the Regions of *Achaia*, and did it on this ground, that *he might cut off occasion, from them who desired occasion*; that is, as I conceive, to præuent scandall. Is this such poore diuinitie.

2. Cor.
11. 10. 12.

But may you on any occasion intermit a morall præcept?

Ans. I scarce conceive you. The præcept of Tything I euer conceived to concerne the people, and in respect of them onely absolutely binding and peremptorie; except in case of extremitie, where *uotum* and *preparatio animi* is accepted in stead of payment. As in other morall præcepts concerning point of rendering and receiuing; the præcept is peremptorie for the renderer, to render, not for the titled man, to receiue or exact. As where wee finde præcept of *rendering Tribute and Customs to Kings*, *1 Rom. 13.* its a peremptorie iniunction to the subject onely to render; not to those eminent powers, to receiue or exact; such præcept giues Kings *ius* and *warrant* to receiue and demand; bindes not absolutely to *exaction*. Yea leaues them at libertie to vse or not vse right, further then ordinate charity may guide them; I am sure debarres them not of vsing *benignitas* or mercy in intermitting or remitting vse of their Right. Take another instance; In matter of debt, the præcept of payment is peremptorie to the able debtor, to pay *what he owes*; And brand of *(e) vngodlinesse* is *1 Pet. 37.* set on him, *who borrowes and payes not againe*. Suppose you the mandate as peremptorie to the Creditor to exact or receiue; may are not præcepts (that is more then warrant) præcise *in casu* to *(f) looke for* *1 Luk. 6. 35.*

Q 3

nothing.

nothing againe? May it not bee sinne to exact or receive? Let vs not make præcepts fight. The præcept is morall and peremptorie to people for paying Tythes; Is not so for Ministers to exact or receive them. The præcept inuests Ministers in a Right to require and take Tythes; bindes not alwayes and euery where to vse right; yea must be vnderstood as other præcepts of like Nature, with limitation according to rules of charity and mercy.

How now I wonder, frame you your Argument from this ground, that *the præcept of Tything is morall*, to inferre the contradictorie of this my Conclusion? Vse of Tythes may bee intermitted on the Ministers part in case of peoples necessitie, and in case of scandall. Why not, man, as well as of your imaginary Competencie? which you confesse founded on Law Morall. Yea what if I added? On peoples part also, if persecution or necessitie force them so low, as to want Materialls whereof to Tyth. *Votum, propositum, preparatio animi* in that case is accepted for payment: Is this such poore and pitifull diuinity?

A little more of it take out of the poore mans boxe. Perhaps its such as the wealthiest Scribe amongst you needs not scorne to vouchsafe a Corner in his richest storehouse.

1. This is a rich pearle in Diuinity. *Affirmatiua præcepta ligant semper, non ad semper*. I am alwayes bound to pray; I am not bound to pray alwayes. I am alwayes bound to preach; I am not bound to preach alwayes: I am alwayes bound to leaue goods, liuing, life, for Christs sake; I am not bound to doe it

it alwayes. *Loco et Tempore debitis*, if I omit or intermit woe vnto me : but I may be inopportune in performance or vrging.

2. This is rich moralitie. *Prudence is a directing vertue* : must guide mee in exercise of all vertues. Vertuous Actions cease to be vertuous, when they are not guided by Prudence.

3. (g) *Evangelia*, is a *Christian vertue*. I may not alwayes vrge *summum ius*. I may, I must sometimes yeeld of right. S. Paul else had neuer said, (h) *Why doe you not rather suffer wrong.* Phil. 4. 5.

4. *Charity and mercy may moderate strict iustice.* b 1. Cor. 6. 7.
I must so vse iustice ; that I exclude not charitie and mercy.

I know you can apply these to the present purpose : if you will not, thus is your Argument ;

Practise of Morall præcepts may not be intermitted for persecution or scandall without speciall dispensation.

Vse of Tythes is practise of morall præcept. *Ergo.*

Resp. Your *Maior* is apertly false. There are times, and places, and occasions warranting intermission of some morall duties. Necessitie, if it be necessitie, is alwayes dispensation for externe and reall practise of strictest moralities ; in such case *preparatio animi*, goes in stead of other performance.

Your *Minor* is euery whit homonymous. Vse of Tythes may be referred to Ministers, and so denotes their exacting or receiuing Tythes ; or respects the people ; so signifies the payment or rendering of Tythes. Law Morall referred to Ministers imports their warrant to demand or take ; yet not without

Q 4

concession

concession of intermission or remission of vsing right *ut supra*. To people, iniunction of the duty to pay Tythes, and so may not but in case of necessitie bee intermitted. *Obsecro te quid hoc ad Rhombum?* or what scandall so grieuous brought vpon Apostles, to charge vpon them charitie, ~~omnium~~, mercy, piety, in intermitting or remitting vse of their right to Tythes?

Your next Reason, I trow, will better auaille you; Thus its carryed. *But speake in good sadnesse. why should persecution or scandall, or burthenfomnesse hinder Tythes more then any other maintenance? Could st^h Apostles take the whole prices of lands and houses. A^ct. 4. 34. & 5. 2. And could they not take the Tythes? Could they make great collections in all Christendome and conuey them from countrey to countrey, and could they not take the Tythes? What a vaine thing were it for any man to say so? Lastly, was it not scandalous and cumbersome, sometimes for them to take other maintenance? A^ct. 20. 34. et alibi: It cannot be denyed, wherefore these are no reasons for intermission of Tythes.*

Resp. And shall I speake in good sadnesse? surely then in my best sadnesse I thinke you meant onely to make vs merry with your Arguments. In sober sadnesse, *Paul* spake when hee said, *hee did not vse his ~~eterna~~*, his *iur* to maintenance, be it Tythes, or what it may be, *lest he should (i) hinder the Gospell of Christ*, that is, as I conceiue, least he should bee scandalous. In as good sadnesse hee wrote, when hee saide *hee wrought with labour night and day, that hee might not be ~~et~~ ^{et} ~~habeat~~*, which is my terme, (k) *burthenfome vnto*

any

1. Cor. 9.
12.

2. Thes. 3.
8.

any. In stanchness of spirit he mentions both these reasons of his not taking Tythes or any other rightfull maintenance. *When I was present with you and wanted, I was chargeable to no man. In all things I have kept my selfe from (1) being burthensome unto you, and so will I keepe my selfe,* Et mox. *What I doe,* ^{1. 2. Cor. 11.} *that I will doe, that I may cut off, occasion from them⁹ that desire occasion; that is, I should thinke, that there may be no scandall.*

What thinke you? were scandall and burthensomnesse by meanes of persecution, causes of intermitting vse of their maintenance? supposing that to be Tythes; of intermitting their vse? And, to reflect a little vpon your first Argument, did Paul violate a morall præcept, when hee vowed and protested to hold this course in the (m) *Regions of Achaia*? or is it not apertly true, that there is a lawfull intermission of vsing right to maintenance due by law morall, in case of scandall and persecution? Speake I beseech you now your minde in sober sadnesse, or else for euer hereafter, hold your peace.

Obiect. But notwithstanding persecution or scandall, they tooke prices of lands; made collections through all Christendome, and could they not take Tythes?

Sol. Your taking, I presume, is here but kinde acceptance. Prices of lands and houses they accepted; thats true; yet vrged it not. Accepted as *Gratians* terme is, *vi sponte oblatum*, vrged not as matter of necessary duty, *Quod istud damnabile fuisse, illud verò minimè*; they are the termes of *Gratian* your master. And accepted it, not as for themselves, but as for a common stocke for the Church now to de-

R

part

^{2. Cor. 1. 10.}

^{Caus. 1. q. 2. Ca. sequitur ad Calcem.}

Caus. 12. q.
1 cap. fin.
v. 20.

part from Hierusalem. Here was no scandall: could be none, sith neither any exaction, nor in accepting any respect to Apostles priuate: I presume you perceiue the wide disparitie.

Obiect. *Made great collections through all Christendome.*

2 Rom. 15.
27.

Ans. True, *Where the rod of persecution lay not,* for the *Saints at Ierusalem* then vnder the crosse both by dearth and persecution. Neither could this bee scandalous, no nor amongst Gentiles, whiles Apostles, you must not say *exacting*, but perswading it, interessed not themselues in the benefit, but the poore Saints. And such *poore Saints whose (u) debtors they were in these Carnals, hauing receiued from them their Spiritualls.* Generally its plausible in a Minister, no way offensefull, to pleade for contribution to poore: its gracefull to the Gospell, and their Ministry, to be seene charitable and compassionate. Yet see, in the managing and carriage of these collections, how curiously carefull they are, to auoide any shew and appearance of respect had to their owne priuate: wherefore *Paul* willingly doth nothing in that kinde without Associates, and those such as were *chosen by the Churches*, and sufficiently knowne to himselfe, and approoued of the Churches to bee faithfull, *that no man should blame them in the abundance by them administred.*

See 1. Cor.
8. 18, 19,
20, 21, &c.

Speake you now in sadnesse, and blush not, whether you doe not thinke persecution, scandall, and burthenfomnes were causes of intermitting vse of their maintenance: whether, supposing Tythes their maintenance, these caused not intermission of them?

Doth

Doth not your owne text, *Act. 20. 34.* auouch it? wherefore doth *Paul* not take maintenance, but make his owne hands minister to his necessities, but that hee might not bee burthensome. 2. That he might bee example to the flocke. 3. That hee might not be scandalous through appearance of couetousnesse. God, I thinke, not the diuell, (he is no friend to Tythes) ought you a shame, els you should neuer haue vouched a text so impertinent, so contrariant to your purpose; so pregnantly affoording the contradictorie of your conclusion. And of my selfe thus farre. Its my honour to be ingaged for my Lord of *Chichester*. Of him thus you in this passage.

Dr. Carleton to helpe at a dead list, saith that Tyths were paid to the Priests and Levites in those dayes, and the Apostles stayed the burying of the Synagogue. But if the Priests and Levites assignation was now expired (as he saith in another place) and the right was now in sh^e Apostles, they should in all reason haue claimed them from them; as we see by experience it is good so doe in all litigious causes. Secondly, if they were of Morall institution, what needed they to stay the buryall of the Synagogue? It was enough for them that they could prooue the lawfulnessse of their calling: which being done, they should haue offended to stay the performance of a morall precept in that regard. That saying of Peter and *Iohn. Act. 4. 19.* Whether it be right in the sight of God to obey you rather then God, iudge you; shewes plainly that sh^e Apostles stayed not for the buryall of the Synagogue in reaching and calling for the performance of morall duties. Lastly, shough this should haue bene some hinderance amongst the Hebrew Churches, yet

R 2

amongst

amongst the Churches of the Gentiles it could be none at all.

Ans. *Quorsum scommata?* Why helping at a dead lift? I haue long beene weake, and neuer knew what belonged to strength, sithens I first felt the burthen of the Ministerie: yet vndertake to make this heaue *Leui digitulo*: with the left of my fingers.

What doubt you of here? whether Hebrewes paide Tythes to Priests and Leuites? what is more euident? or

Whether that payment probably inhibited Apostles claime to Tythes vnder that Name.

Vpon certieintie, double Tything would haue beene burthensome to Iewes of that Time; except perhaps you thinke them all of *the Tribe of Issachar, Asses of strong bones willingly couching vnder two burthens.*

Obiect. *Yea, but the Leuiticall assignation being now expired, and the right deuolued vpon them, they should in all reason haue made their claime; Its good in all litigious causes to be doing with the soonest.*

Sol. What praesently, man? It should seeme you are somewhat nimble in matter of your right. *Enge*, saith the Poet; *Rem poteris seruare suam*; you will hold your owne I warrant you. But might not burthensomnesse or scandal cause differring the clayme? especially where they knew, delayes could breede no danger? I am perswaded they held the rule, *Nulum Tempus occurrit Regi, Nedum Regi Regnum.* And that, where the possessor is *male fidei possessor*, Praescription could bee no prauiudice to the rightfull owner.

owner. Prudence taught them, to waite season and opportunitie, fittest for recovery; especially, where was no actual *let*, nor likely pra*i*udice to succession, fauour might incline them to respit claime or suite for this or other rights: To be needlessly, vnseasonably, scandalously *contentious*, or wrangling for right, (6) *Apostles had no such custome neither the Churches of God.* At that time especially, to enter their claime expressely, to the Ancient honorarie of that Priesthood, when they meant to bring the Corps or Relickes of it with honour to the Graue, how vnseasonable had it beene?

1. Cor.
11. 16.

Obiect. *Yea, but supposing Tythes of Morall institution, what needed they to stay the buriall of the Synagogue? it was enough to shew their lawfull calling, that done, they had offended to stay the performance of a Morall precept in that regard.*

Sol. Absolute necessitie there was none; yet was there *necessitas finis, conuenientia*, and as I suppose, *praecepti* for the time. Necessarie it was for them who meant with honour to bury the Synagogue and Priesthood thereof, not to vrge stripping it of the honorarie: what could more derogate from the honour of it? Had they not (I aske you,) a precept speciall, or *divinely*, thus to honour the Synagogue and that Priesthood? that there might be no shew of irreuerence towards that Ancient *synagoga*; but greatest testimonies of honorable respects thereto in regard of th' Ancient ordinance? What else made Paul so oft to pleade himselfe crimelesse of all irreuerence (p) *to the Law, and Customes of the Fathers?* 1. Ab. 25. th' Apostles, you are sure, were no Equiuocators: 2. 10.

R. 3

there-

therefore would not pretend reuerence, where they meant none. In this sort therefore it was needfull for them to stay their particular and direct claime of Tithes, least they might show vnrerence towards the dead Corple and holy Reliques of the Synagogue.

Obiect. But they had offended, vpon this supposall, to stay performance of a Morall precept, as Iything u. For its written, its better to obey God then men.

Sol. Iust and jumpe so. For belike all Morall precepts are at all times without any respect to season to be performed; and no Morall Truth may for the lest moment be concealed; All must at once be vttered. I haue heard of the man who vaunted that in one Sermon declaiming *ad Clepsidram*, he had acquainted th' Auditors with the whole Doctrine of the Bible from the Alpha to the Omega thereof; Its possible. And perhaps you applaud his proud boasting. I haue knowne more then one, who finding the terme of sinne in their text, haue wildely Satyrized against all particulars of sinne. And vpon Pauls mention of vertue, haue in one Sermon gallopt ouer all *Aristotles* and Scripture Ethickes; prudently thinke you, or with benefit to their Auditorie? I dare sweare th' Apostles were no such Preachers. But prudently suited parcils of doctrine to time, place, persons. According to that of *Isay*; Here a (q) little and there a little, now a little and then a little; according as the people were (r) able so heare. In your Prudence (so prudent it is) all Truthes must presently be vttered, all duties at once vrged, though it Crosse the generall or particular end of our preaching.

Obiect.

9 Isa. 28. 13
Mar. 4. 33.

Ob. For its written, its better to obey God then man.

Sol. True, as euer word dropt from your mouth, or Pen. But doe you heed the occasion, or matter whereto its applyed? The interdict of Iewish Rulers is, *to preach no more in the Name of Iesus*: the Resolution and practise of Apostles, notwithstanding that prohibition, to preach in that Name. Apply this, if you can, to your purpose, that therefore they were bound presently and at once to preach or teach, this or euery other particular durie supposed to be Morall. Preaching in the Name of Iesus, whether you take that terme to denote Authoritie or matter, is large. I suppose *Peter* preached in the Name of Iesus when he said Repent and be baptized in the name of the Lord Iesus Christ, for the remission of sinnes; yet did he not mention, no not your competence. And this I suppose, when he pressed repentance, hee meant whole Repentance of all sinnes, and inclsuvely of Sacriledge, robbing God of his Tithes, supposing them his holy portion. *Dolus versatur in generalibus.*

I aske your iudgement, is there no difference, betwixt preaching, and preaching this or that particular doctrine? in the point of Morall obligation to preaching, is not the difference apert? Suppose then Apostles bound to preach and teach all Morall duties, might they not choose fittest seasons for vrging particulars? *Apaga*; for you vex mee with absurditie. Yea might they not for the time differ expresse claime of Tithes to Euangelicall Ministerie, though morally belonging thereto, out of honorable respect to the Priesthood Leuiticall? Probably

R 4

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at least they might which is all that Dr. Carleton saith. More then probably they did out of this ground, sith honour they were bound to afford the Synagogue, and no dishonour could be greater then to claime from it the honorarie.

Obiect. But be it, say you, this might be some binderance amongst the Hebrew Churches, yes amongst the Churches of Gentiles it could be none at all.

Sol. What? vterly none? 1. Know you not, that Gentiles themselves were bound to afford the Synagogue honour of buriall? and to be nourished in reuerence of Euangelicall lawes of God, by the honour afforded to vanishing shadowes in respect of their Author? 2. Next, haue you forgotten that Churches of Gentiles did many of them Iudaiz, and hold themselves obliged to obserue Leuiticall Constitutions? you will say, in error: I yeeld it, but thinke you, 1. Iewish error was not the same? 2. And that to such Gentiles, as well as to native Iewes, there ought then to bee a condescending? Lastly, Can you be ignorant, that Iewes were intermedled amongst Gentiles in most Churches of those times, in fauour of whom this honour might be done to the Synagogue? I vse your owne termes, God be praised, the Historie of th' Apostles times is not so Apocryphall, that we can be bobbed herein after this manner.

But you say, th' Apostles urge yeelding of maintenance, such no doubt in their generall aime, as was certaine by the word of God; such as had beene in vse; plead for portion of all goods; for double honour: and pag. 17. You say Tythes are more then obliquely pointed at.

at. I say so indeede: And what say you to that?

Yet this is a little better (I with it were so good) then that which Dr. Cartwright saith: that the Apostles reasons and practise were different, *fol. 22. 23.* That they liued of one kinde of maintenance, that is, of Almes, and pleaded for another, that is, for Tithes. Oh horrible! Is it possible the Apostles of Iesus Christ should vse such double dealing? why should they so dissemble? why should they not open their mouthes, and tell plainly what they would haue, seeing they would haue nothing but what they should? Shall we suppose this to bee true? No, no: The Apostles were no Equiuocators; a maintenance they deserved, a maintenance they required, though not such as they deserved, yet that where-with they were contented. Herein therefore hee and you shall pardon vs, if we beleene you not. The Apostles and other Ministers of those dayes, liued not of Almes but of their owne, vntlesse you will say, wages are Almes. Neither did they generally or particularly aime at Tithes, or argue for them. These are denises of your owne, for which I dare be bold to say you haue no warrant from the Lord Iesus. If an Angel from heauen shall so say, I know what to asseeme of him.

Answe. Peremptorie, Tragically enough. But soft man: what meanes all this outcrie, this heate, and ouer-confidence? so hotte for your Helena, wages and Competencie? Pause a while, and take breath. Is he presently a dissembler who liues on one kind of maintenance of indulgence or fauour, and pleades for another as of right belonging to him? Doth hee equiuocate who at once vtters not all his minde in so many words, nor punctually expresseth his whole

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inten.

intention, especially where he knowes his generall termes are sufficiently conceiued to import the intendement: for shame: when *Paul* liued by his owne handie labour, and yet telles the Churches he had right to maintenance from them, dissembled hee thinke you, or vsed hee double dealing? when hee yeelded to *use of Jewish Ceremonies*, and yet taught the abrogation of that Law, did he herein, trow you, dissemble? Neuer knew you Lecturer who lined of voluntarie contribution, the Competencie forsooth you plead for, who yet taught Tithes due to the Ministerie? or was he therefore a dissembler. *Vitam semper sic erraret Calvinus*, saith *Bellarmino* in one case. And, *vitam semper sic simularent*, sic dissimularent, (*da veniam verbis*) *Lecturatores nostri*. I aske your Grammar and Rhetorique and all; Is this *opportuna*, to liue of voluntarie contribution, and to plead for Tithes? what is it to take no maintenance at all for preaching, as was *Pauls* practise for the Regions of Achaia, and yet to plead for Tithes; or after you, other Competencie, as due for preaching? I euer conceiued in dissimulation repugnancie betwixt the fact and the speech, the practise and the pretence. In this course mee thinks I see fairest dealing. In fauour of the people to take any something or nothing, and yet to let them know, I forgoe my Right. What reasons were of *Pauls* forbearing mention of the particular *quantum* which Christ ordained, you may at your large leisure see in my answer to the Cauiller.

Good Sir, hereafter forbear outcries and ouer confidence. *Oh horrible?* as if it were halfe blasphemy

to

to say, Apostles had right to Tithes, and vsed not their right. And, *if an Angel from heauen should tell you Paul but aimed at Tithes, you would hold him Anathema.* Yet, *this is no (1) other Gospel, Man: nor* Gal. 1. 7, *other thing, I dare halfe sweare, then Paul intended.* 8. Thus is my close: If all the (1) *thousands which at-* Dan. 7. *tend the Ancient of dayes,* should tell mee, Tithes 10. are not Gods, nor his Ministers portion, sith God hath reserued them to himselfe from the beginning, and set on them, as on *the framlet of the high Priest* his owne Inscription, (u) *Holinesse to the Lord,* I Leuit. 27. would not belceue them. Thus to your maine: will 30. you a word to your By? Thus take it.

Obiect. *Apostles, you say lined, of wages.*

Ans. How could that be man? For first of all, wages are grounded either vpon Couenamt, Compact and Agreement, or else at least vpon a promise; I vse your owne words, pag. 6. And doe you thinke indeede they indented with the people to whom they preached for so much or so much? belike they were mercenarie, as you there say of Aaron. I pray Sir, what Counterpane haue you euer seene of such Indenture, or Articles of Agreement, betwixt Apostles and people?

Three Arguments I haue from your selfe to prooue their maintenance was not wages. 1. *Wages are grounded vpon Couenamt, Compact, Agreement, at least vpon promise;* maintenance of Apostles was not grounded vpon, Couenamt, Compact, Agreement, or promise. Ergo, was not wages. 2. *Wages is definite, certaine, particularized, &c. &c. &c.* to a certaine summe.

Maintenance of Apostles, according to you, was no definite or particular *quantum*, but indeterminate Competencie. *Ergo*, not wages.

3. Wages is or should be proportioned to *merit of service*. But maintenance of Apostles, after you, was *not such as they deserved*. *Ergo*, not wages. You know the rule of Art, *Mendacem oportet esse memorum*. And so I leaue this passage.

Now for that you demand pag. 17. What meanes the Apostle by double honour? doth he not send vs to double portion of the first borne? I answer. No, in no wise, unlesse we would say the double portion should twice be disposed of: for, Iacob depriving Ruben of the Birth-right, bestowed the Kingdome on Iudah, the Priesthood on Leui, and the double portion on Ioseph. Gen. 48. 22. 1. Chron. 5. 1, 2. But then you aske why th^e Apostle saith double rather then treble? Surely, I know not what to say to such demands. Goe to the Lord himselfe, and he will tell you: will you teach him how hee shall speake? Is it not ordinarie in the word of God, so to put numerum incertum pro incerto, aut quantitatem certam pro immensa? See, Leuit. 26. per totum, See Amos 1. & 2. Per totum, & passim. But if you will needes be sending, whether doth Isai send vs, cap. 40. 2. Ierusalem hath receiued of the Lords hand double for all her sinnes. & cap. 61. 7. for your shame you shall receiue double, and Ier. 16. 18. I will recompence their sinnes double. Doe they also send vs to consider of the double portion of the first borne? Apagesis.

Resp. Ha, I perceiue if a man should take a nap as Horace saith good father Homer sometimes did, you would play vpon him napping. Why lay you
on

on such loadē vpon my apprehension of double honour, with cleanliest præterition of stronger probabilities? Good Sir, if I erre, I erre with *S. Hierome*; of whom, though I say not as the Oratour of *Plato*, I had rather erre with him, then with some other to thinke truth; yet this giue me leaue to say, I had rather thinke you erre, then that he doted.

But what say you to this Argument for my conclusion. Th'Apostle in the terme of double honour sends vs to consider the double portion of first borne. Double maintenance is double portion. The Apostles double honour is double maintenance; therefore hee sends vs in that terme to consider the double portion: of whom, but of the first borne? vpon this ground, that double portion was the honour or honorarie of the first borne, whilest they held the Priesthood.

Which proposition deny you? or quæstion you the ground of th'Argument? Is double maintenance double portion? or is it not? Is th'Apostles double honour, double maintenance, or is it not? Aske *Hierome*, aske *Moses*, aske *Paul* citing *Moses*; they will all tell you, double honour is there intended double recompence or maintenance. Else what place for the Apostles, *for it is written: thou shalt not muzzle the mouth of the Oxe which treadeth out the Corne*? Speakes hee not of maintenance or recompence?

Or, doubt you whether the double Portion was the honour, or honorarie of the first borne? you may quæstion Principles if you will: but so doing you shall be absurd.

But doth it follow, that the Apostle in no wise sends vs to consider the double Portion of the first borne, in his terme of double honour or maintenance claymed due to his Ministers, because then *the double portion should be twice disposed of*? Man, man, what if the double portion was twice disposed of? might not the Apostle therefore in that terme send vs to consider the double Portion of the first borne? Likely, while the quæstion staves within compasse of things and persons of the same kinde, and destinyed to the same end, one should illustrate the other. Or thinke you the dignitie conueyed without the fruit? Learned *Vatablus* on the text you cite. 1. *Chron.* 3. 12. well distinguisheth betwixt the dignitie, and fruite or emolument of the first borne. We will suppose the primogeniture to comprise a double dignity; 1. Kingdome, and 2. Priesthood. Kingdome conueyed to *Judah*, Priesthood to *Leui*; but wil withall thinke, where either dignitie went, there went also in the same conueyance, the fruite or emolument belonging to each dignitie: suppose Tribute with Kingdome; Tythes with Priesthood: and each of these ouer and aboue the Portion, which either Tribe receiued in the promised land, to haue had the fruit or emolument belonging to their dignity; *Judah* aboue his Portion of Canaan, Tribute from other Tribes; *Leui* besides his 48. cities and their sub-urbes, Tythes, the honorarie of the Priesthood, from all the Tribes of Israell. And for all your twice disposing of the double Portion, will thinke th' Apostle in case of Ministers maintenance vsing the terme of double honour sent vs to consider that which

which made the Portion of *Leui*, who was chosen in place of the first borne to Minister before the Lord, double; and that wee will praesume to bee Tythes.

And I aske you yet againe, why else he should in point of honour or maintenance, or Portion, call you it what you will, due to Ministers; vse the terme of double, rather then triple? You tell vs as a Rhetoritian, there is vsuall putting of a certaine for an vncertaine number, and of double for large; we could haue helped to fill your Margine.

But tell vs I pray you, I dare you, where double Portion or maintenance, or honour is vsed without allusion to that of the first borne, else you say nothing to purpose. I praesume you know these are tropes as well in comunct phrases of speech, as in single words; And are not ignorant of that, whether of *Austin* or *Ticonius*, that phrases of Scripture are best expounded by their likes, especially when they are applyed to things of like kinde. Send vs now whether you will to *Isai* or *Jeremie*, for the terme of double, you will neuer bee able to contradict this conclusion; that th'Apostle calling for maintenance to Ministers vnder the terme of double honour, sent vs to consider the double portion of the first borne, nor that that portion was made vp double in part of Tythes. *Quorsum* now your scornfull Apagesis? but to shew your pride, or fele, as the peoples style and dialect is, rather then discretion or ciuility.

But yet you will needes make it appeare probable at least, that the Leuites by Tythes had a double portion; and to this end you tell vs of the sacrifices and vnes,

and the 48. cities with suburbs of so large circuit. pag. 24. et 41. as Dr. Carleton also doth. fol. 16. pag. 1. To which I answer, first that though the Levites allowance could be prooved to be double to the allowance of any one Tribe, yet was it not in regard of the double portion, but in a double respect: one, as they had no inheritance, that is, (as your selfe say pag. 33.) no such inheritance as the rest of the Tribes. Another, as they were Ministers of holy things: for God made them a recompence in both regards, as becometh his wisdom, bountie, and upright dealing. Secondly, what is that you would collect here-from? that it is morall and perpetuall that the Ministers of the Gospell should haue double to any one part of twelue in all our Realmes? or that Tythes are morall, because amongst the Levites, they made their portion double? or that Tythes are obliquely pointed at vnder the terme of double honour? This, this is the thing you would haue vs yeeld vnto you: but in what sort it may be done, God knoweth: for my shallow head cannot comprehend it. And so much for th^e Apostles times shall be sufficient.

Ans^r. Sir., you speake people meerely, that language of *Ashdod* where you haue too long complemented and combined.

But did Dr. Carleton or I to this end tell you of the sacrifices and vowes, and the 48. Cities, to make it probable that Levites by Tythes had double portion? you slander vs. My bent in the first place is this, to prooue against Bellarmine and Thomas that Tyths were not assigned Lewi, to this end, that that tribe might haue no greater portion then the rest. My reason is, because ouer and aboue the Tenthes of all

mens

mens goods the Lord allotted them share in Sacrifices and Vowes, besides the 48. Cities with suburbs of so large circuit; therefore æqualitie of portion was not the reason of assigning Tithes to Levi.

In th'other place thus is my conclusion. *To Gods wisdome is seemed no inconuenience that a Ministers portion should exceede the allowance of two or three wealthy Parishioners*: my Reason, because to Leuites the lest tribe in Israel himselfe allotted tenthes of all the increase of the land, besides share in oblations, things consecrate by vow, and 48. Cities with suburbs of so large circuit, that according to *Hieromes* measure of the land, exceeded the portion of any other tribe in Israel.

But why, I wonder, except to grace mee with such a Symbolizer in iudgement, or to occasion Apologie for him, ingage you Dr. *Carleton* in this particular? I was glad, I confesse, to reade in you, that I had a consort in apprehension of *Pauls* double honour, of so great reuerence and æsteeme. But vpon view of the passage by you cited, found him onely *obiter & in transcurso* to monish or minde the Now-Church to imitate the bountie of the God of Israel, in liberall contributing to support of a more worthy Ministerie. Sith God to a meaner was pleased to affoord so large an honorarie.

Lord Sir, that you cannot be content alone and by your selfe, to be absurd, but you must needs engage vs in fellowship of absurditie. How could it follow, how could I be so absurd to thinke it could follow, that because Leuites had share in Sacrifices, and Vowes, and 48. Cities with suburbs, therefore

T

Tithes

Tithes made their portion double? were Sacrifices, or Vowes, or Cities, Tithes? nay are not our termes of distinction apt? besides Tenthes, Sacrifices, &c. To this end therefore we tell you not of Sacrifices and Vowes and Cities: But to shew: 1. Equalitie was no reason of assigning Tenthes to Leui: 2. to show, that Leui by Gods allowance had portion greater then other Tribes: 3. to show, (which Dr. Carleton meaneth) the people should not *muzzle the mouth of the ox which treadeth out the Corne.*

Whereto now bend you your first and second Answer? you would faine seeme copious. *Erasmus* his *copia verborum* I neede not wish you; nor *Silua Synonymorum*; Nor *Petrus Cornucopia*; It runnes downe by your heeles; your weakenesse is to beray your selfe. To answer where no man obiects, is it not either fopperie, or absurditie? And yet, which is your mischiefe or mishap, you must needes be false in all answers that you frame or faine. God neuer gaue Tithes to Leui because they had no other inheritance: for first another inheritance they had in the land, as large (if not larger) as any other Tribe: secondly, (for I will second you) the Truth is *conuerso*. Not because they had no such inheritance, therefore they shall haue Tithes; but *because they haue Tithes, therefore they shall haue no such inheritance, Dent. 18. 1, 2.* The Priests, the Leuites, and all the Tribe of Leui, shall haue no part nor inheritance with Israel. They shall eate the offerings of the Lord made by fire, and his inheritance; that is, as I suppose, Tythes.

And therefore they shall haue no inheritance
among

among their Brethren. Because the Lord is their inheritance: that is, the Lords inheritance is theirs. Doe you take your selfe with the manner? I shall wonder else.

Obiect. Your secondly asks *what that is I would collect here-from?*

Ans. I aske you firstly, where-from? meane you from the Addition of Sacrifices, Vowes, and Cities with suburbs to Tithes? our collections are euident here-from. 1. That Aqualitie was not the reason of assigning Tithes to Leui. 2. That the Lord allowed Ministers to liue with the liberallest: to beare vp with the best of the Parish. 3. That people ^{Dr. Carleton,} hoping for a large increase of spiritmall things, should ^{fol. 10. p. 1.} not sparingly sow their temporals: these are our Collections specified.

Whereto now your demand? *Whither hence wee collect: That is Morall and perpetuall that Ministers should haue double to any one part of twelue in all our Realme:* Gentle Sir, not that: or that Tithes are Morall, because amongst the Leuites they made their portion double? Good Sir, nor that, vpon this ground; or that Tithes are obliquely pointed at vnder the terme of double honour? Yea, that, that, and nothing but that, is that that I thinke Paul intimated in his terme of double honour. Disprooue it when you can. *This, this,* and nothing but this is the thing which I opined, which you should haue bent your selfe to disprooue. And nor in a popular vncharitablenesse, haue charged vpon Dr. Carleton, or poore me, the crime of ambitious and vnstiable Couetousnesse. Sir, haue you euer seene the left footprints of such sinne in vs?

T 2

why

why giue you heat to the people to thinke as they speake, we plead our owne Cause, and would bee Lords of the land. I willingly beare any mans difference in iudgement touching the quæstion. Reioyce in opposents; as *ex conflictu lapidum scintilla*, so out of debating doubts *emicat veritas*. But who hates not personall imputations, and Causelesse Crimes? for my part, I contest the world, and dare it to implead mee culpable of Couetousnesse; And implore Gods mercie no otherwise to bee extended to my soule, then as in this quæstion I neglect mine owne priuate, and eye onely the cause of Truth.

You talke of your shallow braine; I easily beleue there are in it shallowes of substance wherein a lambe, as poore I, may wade; yet swimnings, swimnings: Depthes as whirlepooles of absurditie and popularitie so deepe, as wherein the Elephant may swimme; and the deepest bottome of the Kings great ships may runne at rode. And so much, too much for the Apostles times.

Now for the times succeeding the Apostles. First, we take that which Dr. Carleton granteth, fol. 25. that Tithes are not spoken of so long as the maintenance which th' Apostles had was in vse; which see pag. 22. calles Almes and communitie. And how long these lasted, its altogether vncertaine. But out of all peradventure in the dayes of Origen, Tithes were not sessed, as appeares by his complaint cited by Dr. Carleton fol. 27. and Field pag. 14. Secondly, we take for granted, that in Origen's time (that is, quando floruit, the maintenance vsed by th' Apostles decaying (as Dr. Carleton saith, fol. 27. pag. 2.) or rather not so well pleasing the

Clergie,

Clergie, Tithes were first of all claimed and called for. Whether well or no I will not determine. But two things we may bee assured of. First, that many things which are good and lawfull in themselves may not lawfully bee desired. To haue a King is a good thing; But Israel should not haue desired a King, because God had established another gouernment amongst them. And so wee make no quastion, but Tithes in the New Testament are lawfull in their owne Nature as indifferent things: and yet they might be unlawfully claimed at the first, seeing another course was taken by our Saniour Christ and his Apostles. Secondly, wee doubt not, but though it bee granted that the claiming of Tithes was warrantable in them that first did it, yet the maner of doing it was unlawfull. For (as Brentius well obserueth on Leuit. 27.) they called for them by Moses Law, which thing ought not to haue bene done by Ministers of the New Testament. Looke to them all, and to all th^e Authorities alledged, whether out of Fathers or Councils, and you shall finde. First, the testimonie of the Law alledged for them: Secondly, legall termes imposed on Euangelicall offices and things, to draw them in with greater facilitie. Hence they call Bishops *summos sacerdotes*: the Elders and Deacons, *Leuites*: The Lords Table an Altar, and the holy Supper a Sacrifice, &c. Wherefore as it was lawfull for Rebecca to desire the blessing for her sonne Iacob, though she meanes shee vsed was unlawfull: So though the Ancient Ministers might lawfully call for Tithes, yet the meanes and deuises by which they obtained them, were not warrantable.

Ans. Now phy phy, That wise men should studie to be madde with reason.

T 3

But

1. Tim. 5.
17, 18.

But you haue reason for it. For Saint *Paul* calling for *double honour to Presbyters* (I dare not say Priests because the terme is legally calles for it by authoritie, in the very termes of *Moses Law*. *Thou shalt not (w) muzzle the mouth of th' ox which treadeth out the Corne*. Doubtlesse to bring it in with greater facility; but of this more anon.

Three things you here touch vpon; and, as if your inke were made of pitch, defile with touching. First *That tythes are not spoken of so long as the maintenance which th' Apostles had was in vse*; vnderstand it thus, expresly or nominaliter: what then? *How long community lasted, its altogether uncertaine*. Be it so; yet might you probably at leſt haue informed your ſelfe from *Dr. Carleton*; and from your father of fathers, your polyanthea of fathers, good father *Gratian*.

Object. *But out of all peraduenture in the dayes of Origen Tythes were not ſetled, as appears by his complaints.*

Ans. I wiſh your braine were ſetled. What meane you by ſetling? ſtabliſhment by humane poſitiue law? perhaps, and but perhaps ſo to. But were they not ſetled by Gods law? Did not *Origen* eſteeme them ſo? Say I pray you: view him *Homil. 11. in Num.* Or in *Dr. Carleton*; at leſt in father *Gratian*.

And followes it without all peraduenture they were not ſetled by law, becauſe *Origen* complaines, they were not payde *de facto*? As if I ſhould ſay, Tythes or competency are not in England ſetled *de Iure*, becauſe people are ſlow and backward to pay them. By *Malachi* the Lord complaines, they had *rob'd him in Tythes and offerings*; out of all peraduenture,

uenture, Tythes were not settled vpon *Leui* by law : for God complains they were not paid him. *Apagesis*, I now say ; you haue tyred patience.

Secondly, you take for granted, that in Origen's time (that is quando floruit) (Sir we notice you an Antiquary, though your selfe say nothing.) The maintenance used by Apostles decaying as Dr. Carleton saith, or rather, say you, vcharitably, absurdly, not so well pleasing the Cleargie, Tythes were first claymed and called for.

Ans^r. You take for granted ; or rather before its granted, *that in Origen's time, Tythes were first claymed and called for.* Sir, Dr. Carleton in the place you cite, grants not that. All that he there hath is this. *In that time that order of the Church, which before was held in communitie of all things decaying ; Tythes were accounted due and called for.* Is this to say, first claymed and called for ? In the next page indeede something sounds as you would haue the Bels to ring. *As soone as wee first heare any thing spoken of this question in the Church, wee finde that Tythes were not accounted ceremoniall, or Iudiciall, but morall and perpetuall precepts for the Church.* Sir, there is difference betwixt quæstioning, and clayming or calling for. You quæstion Tythes, but clayme Competencie. I clayme Tythes, quæstion, shall I say ? or querele Competencie *via duplicis querele.*

But what when its yeilded you they were then first called for ? vnderstand it, as before, *expressly and nominaliser.* What would you infer ? that till then they were neuer thought due ? Heare Dr. Carleton, if you can with patience ; *fol. 28. pag. 1. Origen re-*

porteth the doctrine of the Church before him. Therefore before that they were accounted due: Indee'de what is more euident?

But our vpon that imputation laide on those reuerend Sages, that distaste of that other course of maintenance, and not iudgement and conscience should occasion claime of them. Heeded they, *Origen* especially, a man to superstition ambitious of liuing in high pouertie, their owne priuate? Hee who in his prime, and *quando floruit*, neuer vsed bed other then his pauement, nor shooes more then were borne with him; who neuer tooke care for the morrow, but in extremity of pouerty refused subsidiary helps of friends for the future, yet out of distast of liuing of community, no doubt of couetousnesse or pride, laid clayme to Tythes. Sir you owe more reuerence, at least more charitie to those Ancients. Couetousnesse of Churchmen was not hatched in the dayes of *Origen*; I dare halfe sweare, those that saw his contempt of the world, and heard his plea for Tythes, would giue him testimony of conscience, not crime him of couetousnesse in that demand.

Next you quarrell both matter and manner of demand: you quaestion at leſt the substance of the Act, whether it were lawfull for the first demandants to make claime to Tythes: of the manner are confident, it was vnlawfull.

Your quarrell at substance of the Act is carryed pretie and cleanly, In generalls and might-bees, as plaine men, you know, vse to conuey. *Crudeles tollite planum.* Many things, you say, which are good and lawfull in themselves, may not lawfully be desired, as to haue
a King,

a King, is a good thing, yet Israel unlawfully desired it. Even so, right so, Tithes in new Testament are lawfull in their owne nature, as indifferent things, yet might be unlawfully claimed at the first, seeing another Course was taken by our Saviour Christ and his Apostles; as another government was established in Israel, at the time when they desired a King.

Ans^r. Good Sir, why speake you not as an Apostle by your rule should speake; opening your mouth wide that we might know your meaning. Was the Act of demanding lawfull in the first demandants? or was it not? if it were, say so: if it were not, say so too. Apostles were no Æquivocators: you are. You meane the demand was vnlawfull; you say, it might be vnlawfull. *μὴ ὀφείλει* or:

But when I heare you style Tithes indifferent things, mee thinkes you speake in the language of a Stoicke or Academicke, not of a Diuine: with them indifferents are things auailing no way either to beatitude or miserie. In our Science *ad idcirco* sounds Actings or vsings left to our libertie. As in the particular, quæstion is not whether the Things, Tithes, be good, but whether Tithing, the Act of paying Tithes be necessarie or indifferent.

Next, Thinke you the demand of Tithes made by first demandants vnlawfull, as demand of a King by Israel? why else doe you peere them? manifold disparities there are betweene them, Israel had reason to thinke, (x) God neuer meant them a King to *Gouverne* them, consulting, as they ought, with that *voluntas signi*; and limiting themselves thereto. Conformitic of our Wils or Actions *ad voluntatem*

x i. Sam. 8.

Hoth 13.

11.

2 A& 4.
27, 28.

beneficentia makes them not good; except *Herod* and *Pontius Pilate* may be thought to haue done well in the murder of our Saviour, because they vnthinning (y) fulfilled what Gods hand and Counsell had determined to be done: But these demandants of Tithes guided themselves by *voluntas signi*, at least as they conceived it.

7 A& 4. &
5.
4 A& 15.
29.

Besides, suppose you the ordinance of Christ or his Apostles, for that other Course of liuing vpon the Common, of like kinde with the establishment of another Government in *Israel*? Take heede you turne not Anabaptist. I euer conceived that practise of (z) Communitie, *extraordinarie, and for the time*. The ordinance (if there were any) *temporarie*, as that for (a) *abstinence from strangled and blood*; and not intended to binde after Ages. From you I heare what I neuer dreamt of, except sometimes trampling ouer Anabaptisme, that communitie stands in force by perpetuall ordinance of Christ and his Apostles.

Good Sir, I beseech you *per siquid charum* or *sanctum*, gull not your oscitant Readers with similitudes; you know they may illustrate, prooue not: farther then the likenesse is meant by Gods Spirit to reach: nor so much as illustrate, where comparison is as of peeres, and they prooue in the issue vnæquals.

Say I beseech you, was the ordinance for liuing in Common (if there were any) as that for *Israels* other Government, perpetuall? you will not, out of passion, say it. Why then commit you them in Comparison? Thus for the substance of the A&.

Object. For the manner of demanding you are peremptoric, hauing *Brentius* that honest *Lutheran* for

for your guide, that it was simplic vnlawfull. Why so? For they call for Tithes by Authoritie of Moses Law. 2. Impose Legall termes vpon Euangelicall offices and things to draw them in with greater faciilitie.

Ans. My good friend, I protest I pitie you, and in this passage, as Paul Corinthians, so I spare you. I could else lash you hose downe. I am sorrie, I protest I am sorie, importunitie of friends hath præuailed so farre, as to publish your whole text. But ad Rem.

What meane you by Moses Law? Any or euery Law giuen by Moses? or Law properly and strictly Mosaicall or Leuiticall? if the first, you are not ignorant some lawes giuen by Moses were Morall; and so no absurditie to claime Tithes by Authoritie of Moses Law, if the second, you begge the quæstion; Its to know, whether Tithes are due or claimeable onely by law Leuiticall. But past quæstion it is, Fathers held that law for Tithes, Morall. But thinke you it so vnlawfull to impose Legall termes on Euangelicall offices or things? or in Legall and Leuiticall termes to call for Euangelicall or Morall duties?

1. Nothing is more frequent, the benefit Euangelicall of Remitting and mortifying sinnes, Paul thus expresseth, (b) you are circumcised with the Circumcision made without hands in putting off the body of sinnes of the flesh. In another place, (c) Let vs goe forth vnto him without the Campe bearing his reproach. An Euangelicall dutie, yet vrged in Legall termes. Is not that punctuall enough? take yet more. By him let vs offer the (d) Sacrifice of praise continually, that is the Calnes of our lips, giuing thanks to his

b Col. 2.
11.

c Heb. 13.
13.

d Heb. 13.
15, 16. Or
alibi passim.

his Name. Are the termes Legall? Are not the things Euangelicall?

2. Haue you forgotten what good father *Gratian* said? There is in Leuiticall Constitutions considerable, 1. the superficies; 2. the *moralis intelligentia*. That bindes not, but this; yet may we conuey the morall intelligence, vnder the surface of the Cæremonie.

3. This profite I reape by Gods spirits imposing Legall termes vpon Euangelicall offices and things. 1. It nourisheth in mee reuerence of those old Scriptures. 2. Acquaints mee, not without much pleasure, with what those shadowes signified.

Your close is with a similitude full of pleasing elegancie. Euen as *Rebecca*, &c: I quitt you with the old Cambridge-make sport of Similitudes. Euen as the Bird *Crocalus*, the higher he flies, the farther hee is from the Earth. Euen so and so. Good Sir, giue mee leaue a little to absurd it with you.

I could here minde you in what sense Farthers called the Lords Supper a Sacrifice; the table Altar; the Ministers Priests: and by Scripture iustifie their Rhetorique. A Sacrifice they meant, (you know it,) *Representatiue* onely, not reall; Eucharisticall, not propitiatorie; proportionally, by allusion they vsed termes of Altar and Priest and Leuites. Good Sir, giue them leaue to vse their Oratorie: quarrell them not for choosing termes fit to procure reuerence; to insinuate into Iewes or Gentiles intelligence of Gospel-mysteries by termes whereto they had beene accustomed.

But howsoeuer it be, Two things we will obserue out of

of their clayme and practise; both which make much against you and your opinion. The first is, that they urge the payment of first-fruits as vehemently as they doe of Tythes; and account them aually due, as appeares by the testimonies of Origen, Vrbane, Councils and all antiquity. And to speake truth, they cannot clayme the one, but they must needes claime the other also: for they haue one and the same originall, Antiquity, reason of their institution, and of their abiding and continuance in the Church. For where you say pag. 17. that first-fruits haue an apparent signification of something peculiar to the state of the people vnder Leui, which Tythes haue not: you doe but say it, and it is not so. And where you answer, pag. 37. in the first place, that first fruits were paid to Aaron, &c. The truth is first fruits were paid before Tithes for any thing we can perceiue. For Abel paid them, Gen. 4. 4. Secondly, first fruits were to bee offered to Melchisedec as well as Tithes by proportion, and it was the opinion of the Syriaque Translators, Heb. 7. 4. That they were offered indeede. Thirdly, Tithes were paid to an high Priest whose Priesthood is passed away to another, as well as first fruits. When you say in the second place, they were paid vpon a Reason peculiar to that people; you doe but repeate and prooue not. Where you say in the third place, they were for Sacrifice, if you would be pleased to turn back to your distinction of tithes, pag. 9. you may remember that some Tithes were Sacrificatorie also. And whether all were not, who can tell? I am sure good diuines thinke so. Fenner. Sacra Theologia. lib. 6. pag. 216. But howsoener, a man may as well distinguish of stipendarie first-fruits and Sacrificatorie, as of Tythes, if hee be so disposed. Lastly, where

you say first fruits seeme to be figures of Christ : first its well you make but a seeming thing of it ; for indeede they may better be said to be metaphors in those places ; as Tithes also are used, 1sa. 6. 13. Secondly, let them be so, Tithes may be so too, for any thing we know. Wherefore when in Conclusion you demand (can any of these be auouched of Tithes ?) you see as much may be auouched of the one as of th' other.

Ans. Haue you sayde Sir ? Then let me tell you, the much you haue sayd makes little, nothing against our opinion. Our opinion is this, Tythes are perpetually due to God : by law of God perpetuall due to Ministers. What is there in all the Fathers claime or practise against this? what if they claime first fruits æqually as Tythes ? Therefore doe they not claime Tythes ? or are they against our opinion for tythes ? As if you should say *Paul* was against our Sauours sentence in the question of *tributing to Cesar*. Because when our Sauour is of opinion (f) *Tribute must be giuen to Cesar* ; *Paul* æqually esteemes (g) *custome belonging to Regalie as Tribute* ; and is as peremptory for both, as our Sauour for one.

Or how else makes their clayme or opinion of first-fruits against ours for Tythes ? perhaps because they are supposed erroneous in the point of first-fruits ; therefore must so be reputed for matter of Tythes ? 1. That onely extenuates th' Authority of their iudgement, through misbelieve, and depriues vs of benefit of their suffrage : yet opposeth not our opinion. 2. Yet neither followes it that they erred in point of Tythes, because they are supposed to erre in that of first fruits. More then this, Pharisees practise

e Leuit. 27.
Deut. 18.

f Math. 22.
17. 24.
g Rom. 13.
7.

tique error, was that they (*b*) omitted iustice, Iudge-
ment and mercie ; Ergo that also erroneous in them, *b* Math. 23.
that they Tythed every herbe.

Next, say I pray you, doth all antiquity as vehem-
mently call for first-fruites as for Tythes? *St. Austin*
was ancient, so was *Chrysostome*, so *Ambrose*, so *Cypri-*
an and others; yet call they for tythes without men-
tion of first-fruites. So do the Councils at *Matifcone*
and others by mee cited.

Besides, what if they meane not some of them
first-fruites properly taken after the phrase of the
law, but the chiefe or crop of things tythable. *Re-*
shith and *אֲנָחָה* haue in Scripture a double notion;
sometimes they denote *אֲנָחָה*, things first in time:
sometimes *אֲנָחָה*, things eminent in worth and
dignity. The first acception is common; see places
cited in the margine. To the second these instances
are punctuall. 1. *Salm.* 15. 21. The people tooke of
the spoyle, sheepe and oxen, the chiefe of the *Ana-*
thema. Th'originall is *Reshith*; the Septuagint read
אֲנָחָה; the vulgar, *primitias*. Plainly its to be vnder-
stood, *electa* or *præcipua*. In new Testament is like di-
uerse vse of *אֲנָחָה*, *Rom.* 16. 5. *Epānetus* the first fruits
of *Achaia*: that is, the first knowne Conuert and
Christian there. *Iam.* 1. 18. Regenerates the first
fruits of Gods Creatures: chiefe he meanes in dig-
nitie, not first in time. What now if the first fruits of
fathers, some of them, denote *אֲנָחָה* not *אֲנָחָה*: he
chiefe in dignitie, not the first in time? then makes
not their claime of first fruits against our opinion of
Tithes; for vpon that supposall *Decime* and *Primitia*
were *re eadem*, though *ratione diuersa*. I doe not, I

i Deut. 26.
See Amos
6. 6.

dare not affirme. But am confident for the Syriaque Translatour, *Heb. 7. 4.* That he meant *precipua* onely, not *prima*; when hee rendered th'Apostles *quædam primitias*.

Howsoever, in this passage the quærees onely are;
 1. What Fathers and Councils report of Tything *de facto*: whether in their times they were payde; and there is a *Constat* from their testimonie, that they were, though not so well as they wished. 2. Whether they thought the dutie morall and perpetually binding the Church as the Synagogue? Evidencè is as great that they did. To this you ne gry; you loue to euade, not to answere. How with I you could vittie to it?

But, could not Fathers claime Tythes but they must needes also claime first-fruits? By no meanes? Why not they, as I?

Because they both haue one and the same originall, Antiquitie, Reason of their institution, and abiding in the Church.

Answ. I would you could prooue that as firmly, as you speake it confidently. My whole losse were, but of an Errour. Such trash I am willing to part withall. Errours are *Macula Intellectus*. Thus obiser. Haue Tythes and first-fruites the same antiquitie? then was Tything as Ancient as *Abel*: for *Abel*, you say, payde first fruits. And then there may bee place to quæstion, whether *Cain* sinned not by ill diuiding. That by the way.

To the maine of my apprehensions touching first fruites, thus: 1. You know I fall vpon them by concession onely, *ex abundante* yeelding to manifest the disparitie

disparitie betwixt them and Tithes. And yet can iustifie all that I haue said : disprooue all that you obiect? Tis not true which you say, that first fruits haue one and the same reason of institution and abiding in the Church. Tis true which I say, first fruits had apparent signification of something peculiar to Iewes. Gratefull acknowledgement of their settling in the land of Canaan, *Deut. 26. 3. &c.* Tis not true which you say, That first fruits were paid before Tithes; nor that the Syriaque saith they were paid to *Melchisedec*. Tis true which I say, they were paid to *Aaron*, I meane not his person, for he neuer went ouer Iordan, but to the Priesthood of that order. Tis not true which you say that the Tithes we treat of, the first Tith or Tithes of inheritance were paid to the Aaronicall Priesthood. Tis true which I say, first fruits were. Tis not true which you say, that the Tithes we enquire of were paid for vse of Sacrifice: Tis true which I say, there were first fruits which were for Sacrifice, for holocausts to be burnt offerings to the Lord. Lastly, tis as true, & vpon as good ground auouched, that first fruits were figures of Christ and the first fruits of the Spirit, as that which you speake of your vessels, that they were Types and Sacraments of other things, pag. 10. by what Reason you will auouch those vessels to haue beene Sacraments, by the same I shall easily confirme first fruits to haue beene Types and figures. But *quorsum* all this? It is my liberalitie to affoord answer to the Argument from first fruits? why doe you so punctually exagite, exact it? as men in perill of drowning, you fasten where you can first catch, though it

be to your ouerthrow. Yet should you haue changed the subiect of the quæstion? or perplexed it with homonymies? There was ^{apocryphal} ~~apocryphal~~ ^{the first} Tithe, Gods inheritance; thereof is the quæstion; There was also ^{summe} ~~summe~~ ^{saith Hierome} ~~saith Hierome~~; hereof we enquire not.

The second thing which maketh against you in the claime and practise of th' Ancients concerning Tithes, is well worthy the marking. And well we will marke it.

It is this, That no more can be prooued by them to be due to Ministers, but that indeterminate, incertaine, imaginarie Competencie, which all this while you haue laboured against to no purpose, and scoffed out of doores with no successe. Can you prooue that, (say you?)

I say so indeede seeing your mimicke prolepsis will haue it so. Any thing to please you Sir.

Yes, I can prooue it. For it is a thing granted and easily prooued out of all Antiquitie. Field, pag. 519. 520. Carleton. fol. 27. pag. 1. & 23. pag. 2. That whatsoever was giuen to the Church (whether Tithes, or first fruits, or monies, or goods, or lands) was deliuered to the Bishop, and his Elders in trust; non vt Dominis, but as Oeconomis (as your selfe say, pag. 36.) By them it was distributed into foure parts. Whereof one belonged to the Clergie; so that (as Field saith well) the Clergie was maintained in those daies by a common diuident, and the portion or stipend of a Presbyter was called Sportula. And Dr. Carleton saith, the Bishop Ministered out of the Church goods according to the necessity of enery one. The place which Dr. Field alleadgeth to this purpose out of Cyprian is excellent. Cyprian signifying that hee had designed some to be Presbyters,
writes

writes thus. Presbyterij Honorem designasse nos illis jam sciatis, & vt Sporulis iisdem cum Presbyteris honorentur, & diuisiones Mensurnas æquatis quantitatibus partiantur sessuri nobiscum prouectis & corroboratis annis suis. *But this Course (saith he) continued but a while. What hee countes a while, I cannot tell. But it appeares to haue continued till Ambroses, Hieromes, Austines and Prosper's dayes. Yea if all that Gratian alleadgeth, Caus. 1. 10, 11, 12. bee theirs whom he alleadgeth, it was in vse in Gregories Time, and in Charles the greates dayes also. Large enough to prooue that we haue in hand sufficiently.*

Ans^r. *Hem Dromo, Dromo, quid apportas noui?* For Gods sake tell vs what wee know not: At lest worke vpon our knowledge to the purpose, else you dull vs. What is it you would prooue here? that Ancients are not for the Moraltie of Tithing? Their testimonies are Apert that they are.

That no Ancients affoord prooffe for any thing due to Ministers but the indeterminate, incertaine, Imaginarie Competencie, as you oppose it to Tithes? when will you prooue it? you say you can: but when will you? I am sure what you alleadge proues it not.

Will the liuing vpon a common Diuidend prooue it? Not, I suppose; if Tithes were materials of that Diuidend: And if they claimed Tithes from the people as due to the Ministerie. For then though they liued of a common Diuidend, yet they liued of Tithes; Then by whomsoever, by what rule soeuer the distribution was made, yet they might hold Tithes the Ministers portion, incommunicable to

Laickes. Will you mooue doubt whether Tithes entered the common Diuidend? Sir you confesse it, and applaud Dr. *Field* in the auouchment. If we had not *consentem Reum*, we could easily prooue it from *S. Cyprians Sportula*; and fetch Tithes out of his Baskets. Or quæstion you whether they claimed Tithes from people to God and his Ministers? you may quæstion too whether the Sunne giue light at Noone day. So pregnant and apert is their claime. Shall I show you your errour? I assure you I will thanke you to show mee mine, and will promise, and, with Gods grace, performe amendement.

1. The terme of Common Diuidend is Ambiguous. Time and place was wherein the materials of it were not Tithes, nor Lands, &c. But the whole of the peoples possessions turned into money or price. That was, saith *Melchisedes* in *Gratian*, when the Church was errant, passant from Iudæa to Gentiles. At this time the Church liued not of Tithes formally taken. And there was time too, whē *Prædia* and *Fundi & Decima*, &c. Vnder that name entered the Diuidend; as in *Constitutio Ecclesiæ*; when *Constantine* and some others before him became nursing fathers of the Church. And it now began to haue rest. Thus much you might haue learned from Father *Gratian*. To both these Times it was common for Ministers to liue of a common Diuidend. Yet with this difference; In the Church Constituted, Tithes vnder that name were materials of the Diuidend; In that errant, not so: 2. Next your terme of Competencie is also homonymous. There is determinate Competencie, suppose this competencie: and there

Conf. 12.
q 1: cap.
futurum.

is Competencie indeterminate; Thinke, any thing reputed sufficient. Time was when Ministers liued of indeterminate; and Time, when they liued of determinate Competencie: Imagine this Competencie, Tithes.

3. Last, there is, as I may terme it, a Parochicall or particular duenesse of Tithes; Suppose Tithes of such a Parish to the Minister there seruing God. There is an vniuersall or generall duenesse of Tithes; Conceiue of the whole of Tithes to the bodie of the Ministry; that which perplexeth you, and some your betters, is, that you imagine the Quæstion of Tythes moralitie to respect onely the parochiall duenesse; when as in truth the quæstion hitherto is of the generall; whether tithes, that is, the whole of tithes, bee due to the bodie of Ministers, and incommunicable to Laickes. This last is that we toss in this quæstion; That other we referue to a second inquirie.

Doe you now see your mistake? I know you a man of vnderstanding; yet præiudice and passion may blinde you. Thus I apply all. Drawing you into short forme.

Common Diuidend is not Tithes, but indeterminate Competencie.

Nothing can be proued from Fathers due to Ministers, but common Diuidend. *Ergo,*

Not Tithes, but indeterminate Competencie.

Resp. Both Propositions are false.

Your *maior* is false thus; some common diuidend is determinate competencie, and Tithes, as of Leuits in Israel; of ministers in *Ecclesia constituta* Ambigu-

ous, thus ; Indeterminatenesse or vncertainty may be referred to the whole to be diuided amongst the bodie of them to whom the diuision is to be made ; or to the particular *quantum*, to be shared out to particulars of that bodie : if you take it in the first sence, then the common diuidend may be certaine and determinate ; as Tithes amongst Leuites ; and so your *maior* is vtterly false : if in the second, we yeeld all ; and you prooue not the purpose.

How could you hope with Paralogismes so fond to exempt scruples of Conscience : Conscience where it hath beene truly toucht, I haue found an acute disputant, an exact distiguisher. If your scrupulous Gentleman haue euer had the true touch in this particular, I shall maruell to see Sophistrie giue him satisfaction. Ministers vnder fathers liued of a common diuidend : *Ergo*, not of Tithes ; when yet Tithes were materials of that diuidend. Fathers plead for competencie by common diuidend. *Ergo*, not for Tithes, or any thing determinate ; when yet they all plead for Tithes as due to God and his Ministers, and thereon will haue ministers receiue their shares. If you meant soundly to satisfie Conscience in this point, you should haue euenced, that fathers teach not Tithes due solely to Ministers, or that they may without Sacriledge be possessed by Laicks. *Hierome to Damasus* would haue answered. *Nonis vestra Sanctitas omnino non licere*. Well then, we find you peremptory for the vncertaine competencie, and settled in the opinion that Ancients are for it, and not for Tithes against their owne expresse Testimonies. But say, I pray you, what iudged they competent

if

If we would know what they determined to be Competent and sufficient, it is plaine that they define it by three things: by a mans owne patrimonie; by his good deservings; and by his need and necessitie. For first, Ambrosi. officior. lib. 1. cap. 36. Hierom. epist. ad Damasum. Agustin. epist. ad Bonifacium, Prosper lib. de vita contemplatiua cap. 10. doe hold that a minister hath sufficient maintenance, if he be able to maintaine himselfe by his owne patrimonie; and count it plaine Sacriledge, if in that case he take wages of the Church: where the Popish Doctors haue determined somewhat moderately, that Clericus habens patrimonium sufficiens potest decimas percipere vt procurator in necessitates pauperum, vel vtilitates Ecclesiae, non autem in vsus proprios. Parochiale Curatorum cap. 2. sect. hic cadit dubium.

For the second; Concilium Agathense determineth thus; Clerici omnes qui Ecclesiae fideliter vigilantique; deseruiunt, stipendia sanctis laboribus debita, secundum seruitij sui meritum per ordinationem Canonum à Sacerdotibus consequantur. Where these words per ordinationem Canonum, are to be obserued. For by them it appeareth, to bee an old decree, and of long practise.

For the last, Canones Apostolorum haue these words. Ex his quibus Episcopus indiget (si tamen indiget) ad suas necessitates & peregrinorum fratrum vsus ipse percipiat vt nihil eis possit omnino deesse. This follow the Conncill of Antioch, of Pope Martin, and Pope Eugenius almost word for word. Now if wee would yet further know what they count necessitie, you haue these words rise in euery place; Habentes victum

&c. vestitum his contenti sumus. How now? haue we bragd all this while of the practise of the Church in all ages for Tithes, and now we haue them must, we come to Micha's portion in the end? And if a man haue a sufficient patrimonie must he be content with that; if not, must he deserue more, if he will haue more, and otherwise be content with food and rayment? Surely we haue brought our pigges to a faire market. The tumblers in the height of all their ayrie fancies neuer tumbled thus farre, I trow. But so it must be still: wise men must be caught in their owne Imaginations. Dr. Carleton, fol. 27. pag. 1. saith, to speake of a sufficient maintenance without Tithes, is but a conceit in the braines of some men, which neuer was brought into Action, neuer will be. What this bragge is worth I leaue to euery mans consideration to iudge by this which hath beene said to the contrarie. And so much for Answer to your Arguments. Your Answers to Repliers I passe ouer; because what is worthy Censure is alreadie touched; and if the rest be naught, I will not be a patron to them.

Ans^r. Dixi to a declaimer cannot be more welcome, then your *Hac Haftenus* to mee. Now I am sure you haue done. Yet cannot but beihrew you for putting me to needlesse labour in searching particulars of your Allegations; when you might more compendiously haue sent me to *Gratian*, where they are all couched together, and from whom you haue taken them vpon trust. Of all, your reference to St. *Austin* his Epistle to *Boniface* most toyled me, though not without some profit. Three Epistles he hath inscribed to three of that name, but of different quality. In neither of them can I finde a syllable sounding to your

your purpose. Mistakes I winke at. Onely let vs heede the maineⁿ quæstion, and see what you opine thereof. Thus it is.

1. Whether the honorarie belonging to the Ministerie for their worke be Tithes, or indeterminate competencie. To this you answer, not Tithes, but other competencie.

2. Whether Ancients Iudgement run for Tithes, or for your Competencie. To this also you; for Competencie.

3. Whether the measure of competencie according to Fathers, were as you scribe, patrimonie, merit, necessitie. Or, in your own termes, whether they define, the competencie due to Ministers for their worke by patrimonie, merit, necessitie. To this you affirme.

Begin wee the inquirie at the last and there seeke :

1. the congruitie of the three: 2. the truth and æquitie. Last examine the sentences alleadged.

First, then suppose a laborious Minister in *Ecclesia constituta*, and able to affoord his paines recompense, hath a sufficient patrimonie. What is his competencie from the Church out of th'Euangelicall honorarie? Forsooth after this opinion, a starke nothing. Its Sacriledge for a Minister hauing patrimonie of his owne, sufficient for his liuelihood, to take recompense of the Church. 2. Let vs next suppose the same man ouer and aboue th'endowment of Patrimonie to haue merits of the Church, as *Paul of Philemon*, such that they owe themselues vnto him, what recompense shall be allotted him for his merits out of the Church Treasure? Forsooth a meere nothing in case he haue a patrimonie. In that case he is Sacrilegious if he take recompence of the Church. 3. Let

vs next suppose some lazie Leuite to want for his necessarie sustenance; withall, to haue in merits little or nothing in the maine of a Ministers worke: what shall his portion be? Marry, for his necessitie hee shall haue without his merit, likely for coate sake, a competencie. And what is this competencie? *Victus & vestitus*. Pouertie yet is beholden to you, a great deale more then worth and merits. And yet mee thinkes you keepe it to hard mear. The lest meriting must haue this competencie for necessitie sake. The best meriting must haue this competencie onely in case of necessitie. The partrimonied man though neuer so meritorious, must haue nothing. And that is his Competencie out of Church allowance.

Sir, slept you, or waked you when you wrote these things? why had you not in one word said, competencie is defined by sole necessitie? For why must the partrimonied man haue no share in Church goods? but because hee can liue of his owne, and needes no salarie. And merits themselues are not to be regarded, except coniunct with necessitie. Why not that *victus* and *vestitus* is the indeterminate competencie? *Pauls* double honour? That is now no longer, as *Chrysostome* thought it, Reuerence and maintenance: as others, large and liberall maintenance: nor as others, double portion as of the first borne. Nor as others, double to widowes, but *victus* and *vestitus*. These two simples, single diet and simple clothing are the double honour *Paul* meant to Presbyters labouring to defatigation in the word and doctrine. Ponder what hath beene said, and tell mee if it bee not the whole result of thus defining Competencie.

a. Next

2. Next I consult your serious Iudgement, whether yeelding such speeches inconsiderately false from Fathers, you approoue their sentence. As thus, Thinke you in good sadnesse, A Minister hauing patrimonie of his owne; may not lawfully take of the Church, recompence for his Ministerie? I should thinke yes. 1. What ods betwixt a possession patrimoniall, and a Trade or Science affoording competent liuelihood? be they not æquiualent? As *Pauls Tent-making to (k) Barnabas his lands?* yet largely *1 Aa. 4. 36.* takes *Paul* from other Churches recompense, though none from Corinthians or others of Achaia. 2. *Christ* *1. Cor. 9.* hath ordained that they which preach the Gospel should live of the Gospel, that is, of Gospel portion. By this diuinitie, some men not of the Gospel, but of their owne patrimonie. Men patrimonied must warre at their owne cost: plant and not taste the fruite: feed the flocke, but not eate of the milke. Lastly, why did you not consult the glosse as well as the text of *Gratian*? you should there haue found reasons out of *Paul* against this conclusion as you vnderstand it; distinctions also, such as they are, for reconcilement; Together with explications of these Sentences of Councils and Fathers, to which at last I addresse my selfe.

Two questions there are handled by *Gratian* in his Rhapsodie, to which these passages alleadged from Fathers and Councils are applied.

1. Whether for admission into a Monasterie or other *Canobium*, money may be exacted; or if exacted, whether it must or may lawfully be paid. *Canf. 1. q. 2.*

2. Whether it be lawfull for Clerickes to haue or call any thing their owne: or are they not rather *Canf. 12. q. 1.*

Y 2

bound

bound hauing of their owne by inheritance or acquisition, to dispense it to poore, or conserre it to the Common Treasure of the Church, when they enter Religious orders.

To determination of these quæstions, these Authorities are produced: and prægantly enough speake to the purpose of communitie, and voluntarie resigning whatsoeuer a man hath in propertie, when he enters either Society of Regular Cleriques, or any of the Superiour orders. Out of what ground Fathers of those times so resolu'd, themselues expresse. 1. *Opinion of excellencie and perfection in voluntarie Pouertie*, which *Prosper* insists on. 2. *Kαυχήσια*, 100 fond emulatorie imitation of that Communitie extraordinary practised in the Church at Hierusalem vnder th' Apostles, as other allegations reason.

What is this I wonder to the maine quæstion in hand? whether these Ancients bee against maintenance by Tithes, or for an indeterminate competencie? For what when its yeelded they plead for communitie against propertie, and will haue all Cleriques to liue in common *de Rebus Ecclesie*, of the common stocke and reuenue of the Church; therefore not of Tithes? how if their opinion be, as apertly it is, that Tithes are, if not the onely, yet the principall ordinarie materials of the Church stocke? then for all that, their opinion might be for Clerique maintenance to arise from Tithes. And then *de facto* they might, they did liue of Tithes. When Priests and Leuites vnder the Law liued in a kinde of communitie, in a sort of common Diuidend, liued they not of Tithes?

Or

Or what else, is the conclusion you would hence inferre? that they defined competencie by Patrimonie? Absurd, absurd. For by their opinion, as to you *Gratian* relates it, No Clerique is allowed to hold or retaine his patrimonie. So that competencie to bee allowed a Clerique out of the Church reueneue, should rather be defined by no patrimonie, then by Patrimonie. It being *no patrimonie*, Not, *patrimonie*, that qualifies him to a Title in Church-maintenance.

Neede you, A man so skilled in *Gratian*, bee catechized in Canonisme? who would thinke it? Looke you Sir. Thus I haue leard perusing *Gratian*. There is a double state of the Church to bee considered, by him who will vnderstand the antient dispensing of Church goods; and rightly informe himselfe touching the then-communitie. First was in the Infancie, and as I may terme it, Errancie of the Church, beginning in Apostles times, and continuing many yeares after. Second in after ages, what time *Simplicius* Bishop of Rome settled to other order the reueneue of Church, growing well towards settled. About the yeare 496. if my Author or memorie deceiue mee not, hee made his ordinance.

In that first state, was the communitie in Church goods: such as nor Bishop, nor Clerique, nor poore might say, this part is mine: all and euey being equally interessed in the whole; the dispensing onely stewardlike, committed to the Bishop and his Deacons.

Simplicius his ordinance is for a partition of the Church reueneues into four portions; first for the

Bishop : the second to Cleriques : the third to maintaine the fabrique : the fourth to poore and strangers.

Quarsum ista? Sir if you would distinguish times & states, you should wish much ease concord Canons. There was a time when Bishops at least, if not some other Cleriques, had, might haue *Res proprias*, whether patrimoniall or by acquisition. You know the rule in the *Pseudo-Canons* of Apostles cited by *Gratian*. *Sint manifesta res propria Episcopi (si tamen habet res proprias) & manifesta Dominica. Ut potestatem habeat de proprijs rebus, Episcopus moriens sicut voluerit & quibus voluerit derelinquere, &c.* It should seeme then, it was not so generall to all these times, you speake of, that no Clerique should haue any patrimonie: nor, that no Clerique hauing patrimonie, or retaining propertie in his owne things, might liue *de rebus Ecclesia*. By consequent, it was not the purpose of Fathers, of all Fathers, to define competency by patrimonie. Yea for *Prosper* and *Hierome* himselfe (who yet perhaps would be vnderstood of Regulars and Cleriques sequetred, not vniuersally of all) you know, I presume, how the glosse expounds them: *Si scilicet nolant Ecclesia seruire.* Or as *Gratian* himselfe hath it, if they residing in *domibus parentum Ecclesiasticis facultatibus pasci desiderant.* Or as others, if they spend Church goods to profane vses: or lastly as *Thomas* glosseth *Hierome*, *In grauissima pauperum necessitate*: then if keeping their owne, they take aught of the Church, they commit sacriledge.

It should seeme out of these cases & defects, it was lawfull for a patrimonied man to take maintenance of

Caus. 12. q.
1. s. manifesta.
¶ a.

Caus. 1. q. 2.
c. Pastor.

2. 2. q. 18.
art. 7. ad 3.

of the Church ; and that therefore patrimonie defined not competencie.

As touching merit, the second materiall (as you fondly make it) of competencie, its true the Council at Agatha decrees, stipends and dignities to bee dispensed *secundum merita*. And I remember a quæstion in Canonists, whither it be not a violation of iustice, to giue the greater dignitie to the lesse deserving, seeing Church goods were intended in the donation, to be not onely *stipendia laborum*, but *præmia virtutum*. I could also cite the solution. But *quorsum* ? Our quære is now whether that Council thus decreeing, intended to define competencie by merits ? or rather to aduise and order how Church goods should bee dispensed. Call you this to define competencie by merits, to order that the better meriting shall haue better recompense ? Why, what if hee haue otherwise abundance to suffice him for his personall necessities, and decencie of state ? this sufficiencie is competencie, without consideration of his merits. But good Sir, what is this to our maine, whether that Council were not for Tithes, but for vncertaine competency ? Flowes any such thing from their requiring respect to merits in dispensing the Church honorarie ? as if in distribution of tithes, respect might not bee had to more or lesse merits ? Suppose, if the better Benefice be giuen to the more meriting, the lesse to the lesse worthy.

Astouching necessity, your third ¶, grounded on Apostles canons ; first learne their meaning, then make your inference ; or rather, know your error. (*Ex his*) is ambiguous in the Canons : and its quæ-

questionable whether the Church goods, whereout the Bishop hath liberty giuen to supply his wants, with that limitation or exception (*si tamen indiget,*) be noticed as they stood in the first state of the Church; or not rather, as after the partition made by *Simplificius*. If thus, then the meaning is but this, that it shall be lawfull for the Bishop, ouer and aboue his fourth part allotted out of Church goods, to take somewhat more from the parts of the Cleriques, or fabrique, &c. to supply his wants. How euer, the Canons only intend to restraine him from waste, to instruct him to frugall vse of Church goods, and feare of imbezeling. Is this thinke you to define competencie by necessitie? Is this, which is the maine, to say not Tithes, but incertaine competencie is the Ministers maintenance? Let men, on Gods name, *Ceteris paribus*, be respected according to necessitie in distributing the maintenance of the Ministerie; Can they not be so if that be Tithes? say I beseech you.

caus. 16. q.
7.

I confesse my selfe wearie, and with some thing halfe Seasicke. But I now see Land. The summe is this. Nor *Gratian* nor the authorities by him alleadged, prooue or say that competencie, not Tithes, is the Ministers portion. Neither in mention of patrimonie or necessity or merits, intended they to define what they held competent; But how the portion belonging to Cleriques out of the common Church-store should be dispensed: *secundum merita, non secundum Carnalem affectum*, saith the Glosse vpon *Gratian*. To which part of *Gratian* I referre you, Not doubting but at first sight you will confesse, Ancients

Ancients these and more then you haue cited are
prægnant for Tithes as euer holy to God : neuer but
with Sacriledge communicable to Sæculars. How
now ? haue you scorned and insulted all this while
in fauour of your ayrie phansie, wilde competencie?
And when all is done speake your owne Authors for
Tithes ? well haue you bestowed your time, and
spent your prouerbes. Faire market haue you made
with such cattell as your prouerbe speakes of. With
all this great crie and little wooll, who doubts but
you haue palliated rather then persifted the cure of
the wounded spirit. There is something which blinds
the eyes of the wise : something, saith *Salomon*,
which may make a wise man madde. Many which
may cause him dote. I doe not thinke much learning
hath made you madde ; but finde stiffe præiudice, or
people-pleasing hath made you doting euen to ab-
surditie. I wish and pray, *Sanam mentem sibi.*

Decimas Clero, Honorem suum Deo.

And of the proouing part hitherto,
Sequitur argumentum.

Z ✓

Moralities



Moralities are all of the Law of nature. Object. 1.

Tithing not so, for reason naturall dictates no more a tenth, then a ninth or eleventh payable to support of Gods worship. Ergo,

What is moralitie? what the Law Sol. 1. of nature? How, and whether are

all moralities of the Law of nature? Pardon vs a little prolixitie, while we explaine and examine these placita of our Schoole Doctors.

Moralities of duty, in Schoole-language, are those humane acts and offices, that of themselves tend to forme manners to goodnesse. There are, they say, some things euill, because prohibited, some things prohibited, because euill: some things good, because commanded; somethings commanded, because good. Of this latter sort of good things, they will haue all moralities; good of themselves though by no written command of God, or other Lawgiuer, they had beene commended to our obseruation.

Good manners are humane acts and offices, that are congruent to right reason; which right reason iudgeth to be duties, though they had no other law to enioyne them. Such moralities are with them in a threefold difference.

1. Some communissima; wherein the most vulgar vnderstanding praesently discernes an æquitie:

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as

as, that God and Neighbour should be loued.

2. Another sort more determinate and particular; whose æquitie appeares also to popular capacitie, though not without some attentiu consideration.

3. A third, which they terme *superaddita*, reducible to those of the Decalogue by way of addition; and are nothing else, but explications of particulars couched vnder these generals, or determinations of those commonest, and, as we may terme them, summarie generalities. The reason and æquitie whereof is not conceiued but by agil vnderstandings, and wits exercised to discerne betwixt good and euill.

The Law of nature, is that rule of æquitie and goodnesse, which is, as *Iude* speakes, (a) *knowne naturally*; as *Paul*, (b) *written by Gods finger in the hearts of all men*. Its made vp of two things :

1. Notice, 2. and Inclination.

Notice, we call those knowne practise principles left in the vnderstanding, by whose light the minde iudgeth what is good, what euill.

Inclination, that propension of the will to prosecute and execute, what out of those principles Reason dictates or suggests to be done.

Nature hath here a two-fold consideration, 1. as first instituted, 2. as corrupted. In nature first instituted, the notices were full, cleare, distinct, determinate: the Inclination propense, firme, cheerefull. In nature corrupted, notices many are extinct, the remainents, obscure, vniuersall, confused, and most-lye indeterminate: the inclination, dull, difficult, eagerly drawne, that I say not, in many things wholly auerse.

For

a Iud. v. 10.

b Rom. 2.

15.

For this, as one cause, God was pleased to adde a Law written, saith *Thomas*, because the law naturall was in many things obscured; fins many not knowne to be sinnes; duties not acknowledged duties.

If the *quare* now be whether all moralities belong to the law of nature as now extant in the hearts of men? The common answer is thus.

They are all belonging to the law of nature, yet differently. Some so that the meanest capacitie discernes their æquitie without any institution, themselves being either principles of the law of nature, or conclusions fluently deduced there from. Some ^{*Thom. 1. 2. q. 100. art. 1.*} whose æquitie is not so easily discerned, but by nicest and most attent consideration of the wise, where popular capacitie needes instruction and institution of the wise to discern their deduction out of common principles.

And there are wherein the wisest neede supernaturall light and diuine instruction to discern their æquitie?

Thus the Schoole of *Thomas*

Amongst Scorists, the question is limited to the Decalogue; and their inquirie is, whether all præcepts of the Decalogue be of the law of nature. That law they define that which is deriued from first principles practicall, to whose truth the vnderstanding is naturally inclined to assent by euidence of the termes; the will also selfely propense to follow the dictate of the vnderstanding.

Their answer to the question is thus. Some things are of the law of nature strictly; as those first practice principles, and conclusions necessarily follow- ^{*Scot. in 3. dist. 37.*}

Z. 3

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ing thence. Some largely, as those that are consonant and congruent to the law of nature, although they follow not necessarily out of those first principles: nor are euident to euery vnderstandings apprehension. And in this sense, all præcepts of the decalogue, not that of Sabbath excepted, is to *Scot* of the law of nature.

Or thus, All præcepts of the Decalogue are of the law of nature, though not as concluded necessarily out of practique principles thereof; yet as that lawe is explicated by the Law-giuer, and his intention manifested for the particular manner of obseruation. As, that some concupiscence is sinne, will flow perhaps out of principles left in nature. That the concupiscence prohibited in tenth præcept is sinne, not knowne, but by explication of the Law-giuers intention, as its extant in the law written.

May we not with these distinctions contradict the Minor of their syllogisme, and maintaine the morality and naturalnesse of Tithing? though it bee not of the law of nature, as its knowne to vulgar capacities, by euidence of the termes, or instruction of the wise; yet, as many of their *superaddita*, as made knowne by diuine instruction, so of the law of nature.

Or after *Scotus*, though not of the law of nature by necessarie deduction out of first principles; yet of the law of nature, as the intention thereof is explicated by the Law-giuer.

As keeping of a Sabbath, so Tything *quoad quotam*. That some time should bee set apart to the worship of God, is of the law of nature, *primo modo*;
so

so that some part of euery mans goods should bee conferred vpon support of Gods worship. 2. That on a seuenth day, the time limited in the Decalogue, is of the law of nature, *quatenus explicatum a legislatore*; and by as cleare euidence, and plaine explication of the Law-giuers will, a Tenth is the portion to bee set apart to the maintenance of the Ministerie. Thus may a man listing to follow Schoolemen in their maze, with their owne distinctions extricate himselfe in the quæstion of Tithes.

But might a poore man haue leaue to examine *Sol. 2.* these principles, hee might soone prooue them fitter for the Schoole of *Aristotle*, then for the Church of Christ; and better befeeming the Scholers of Philosophers, then the Disciples of *Moses* & the Prophets.

Indeede, is it true, that all moralities are of the law of nature? Is there nothing comprized in the Decalogue, whereof nature corrupted, hath not a distinct notice? whereto it affoords not an inclination?

Is there left in reason naturall such rectitude, as to discerne æquity of all the ten commandements, and their contents? to dictate and suggest their performance and obseruation?

As farre as Art and industry, or institution after the accuratenesse of the law according to Pharisees, might inlighten reason, I dare say it was sublimated in *Paul* before conversion: *Seneca*, the acuteſt of Gentiliſh moralists, his *contaneus*, must needs be deemed to come short of him in that state: yet is it his profession that hee (c) knew not concupiscence to *Rom. 7. 7.* bee sinne, till the law written in her trueſt ſenſe conceiued, *had ſayde thou ſhalt not luſt.*

dRom. 3.
2.

2. And I wonder what necessitie can be supposed of a new edition of the law in Sinai, if notices thereof remained so perfect and full in nature ? or what so *(d)* great preferments Iewes had, in *having those oracles of God committed to them.*

4. Mee thinkes th'opinion blunts the edge of *Augustines* argument against *Pelagians*, in the question of possible keeping the law by strength of nature ; *Latet quod instum est* ; and in many particulars *minus delectat*, saith *Augustine*. After this rule, moralities are all knowne naturally ; and there is in nature an inclination to their performance,

Out and alas that Christians must fetch from hell such damned hærèsies, and entertaine them for principles, to maintaine their conceits.

But whether doth iust indignation carrie mee perchance they meane not a notice distinct of euery particular ; but a generall of the generall to be referred in nature. Indeepe so *Halensis*.

Morals, as they are of the law of nature, dictate generals only, that *good is to be done, euill auoided* ; only as they are extant in the Law of *Moses*, so they dictate the specials, and determinately.

Thom. 1. 2.
q. 100. art.
1.

It may be they hold reason in some moralities to neede Diuine instruction, whereby to be informed in things concerning God. I confesse, so *Thomas* saith of the prohibition of Images, and taking of Gods name in vaine.

But if this suffice to make a particular and determinate dutie of the law of nature, that nature hath notice of the generall : if it be enough, that the generall be determined by diuine instruction ; Tithing may,

may, for all this plausible argument, be numbred amongst moralities: The generall we haue, by confession of all men, from the law of nature; that some part of our carnals is to be imparted to them, that few spirituals; The determinate quantitie also specified in the edition of the Law by God himselfe; who must in all reason be his owne caruer, and determine his quantum, or quotum, or whatsoeuer man pleaseth to call that portion which belongeth vnto him.

But are there not moralities, some, such only by institution and diuine positieue law? let that bee our next inquirie. Sol. 3.

In differencing Iudicials and cæremonials from morals, Schoolemen thus rule; Morals haue all their power of binding from the dictate of naturall reason; and therefore ought to be obserued, because reason so directs.

Cæremonials, and Iudicials meerey from institution, and diuine positieue law. Whence is the rule of difference. 1. Herein stands the nature and forme of Iudicials, 1. That they haue no force of binding from naturall reason, but only from institution: and hereby they differ from morals. 2. That they order man to man, not man to God, whereby they are distinguished from cæremonials. Cæremonials haue like difference with Iudicials from morals; their ordering man to God, not man to man, discriminates them from Iudicials. Thom. 1. 2.
q. 104. art. 1.

Let vs a little inquire, whether there be not moralities some; that are such by institution and diuine positieue law? Let no man quarrell about the terme; I know, amongst Schoolemen, moralitie hath re-

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spect to conformitie with right reason. Howbeit, what hinders to vse it as a terme of art, receiued in the distinction of perpetuall and temporarie lawes? to denote whatsoeuer office or law bindes conscience to the end of the world.

That there are such lawes in force by institution, without any more then an impression of their commonest generall in nature, induction of particulars sheweth. What thinke we of Sacraments, and præcepts giuen for their vse? binde they not conscience to the end of the world? or doth naturall reason afford vs notice, or inclination to their vse? Congruitie of their institution, reason will perhaps perceiue in generall; such as that *Chrysostome* speakes of, that seeing our knowledge begins from sense, congruent it is the Lord should leade vs by such things sensible, to things intelligible. But that such elements should be clad with such significations, or ordained to such vse, whose reason discernes? or what giues the præcept force of binding, but meere-ly institution?

That a seauenth day should be set apart in holy rest to Gods seruice, doth nature dictate? how I wonder a seauenth, more then a sixt, or tenth? Nature iudgeth not of numbers, saith *Halensis*. And their Schoole Doctros accord, that al we haue from reason touching this præcept, is, that there must some time be deputed to rest, that wee may wholly giue our selues to the seruice of God, how then come we to bee determined to a seauenth of time? Is it not meere-ly by institution, and Diuine positieue law?

Yeeld therefore that nature dictates no more a
Tenth,

Tenth, then a ninth or twelfth to be paid to the Ministry: Is it consequent thence, that conscience is *not at all* bound, or determined to a tenth? what if it be by institution, or Divine positive law unrepealed? That, I trow, shall binde vs after promulgation, as firmly, as what naturall conscience shall suggest to be done.

The second argument worthy notice is that from absurditie supposed consequent vpon moralitie of Tithing.

Suppose Tithing to stand in force by Divine law Moral. Obiect. 2. rall, Churches not paying in that quota, must all be concluded under mortall sinne: to liue and die in remediless perill of condemnation. Ministers concealment of such truth, is all as pernicious to them selues, as to the people.

It neuer was doubted, with mee, that euery breach *Sol.* of Gods law is mortall in the *naturall merit*; hauing read *Paul* teaching, *the (e) wages of sinne to be death,* *e Rom. 6.* *Moses* denouncing a *(f) curse to enery one that con-* *23.* *nnes not in all things written in the booke of the Law.* *f Deut. 27.* *26.* Howbeit, there are many, that to Gods Church, are, *in the (g) issue,* not such, through interuenience of *g Rom. 6. 11* pardoning mercie.

Such sinnes are made fauourable: 1. either by ignorance, 2. or other infirmitie of committers. They well distinguish in Schooles, sinnes by their cause and fountaine whereout they issue. 1. Some are of ignorance, whether omissions or commissions proceeding from want of knowledge, lacke of conuiction, error of iudgement. 2. Some from passion, or violent perturbation clouding iudgement; and,

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though

though not inforcing, yet with a kinde of violence, swaying will to consent. 3. A third sort from malice and præsumptuous contempt, description and exemplification *vide* Numb. 15.

And shall we say all breaches of Morall lawes, damne in *the event*, euen those which of ignorance and error of iudgement are committed? more propitious is the Lord, of the Law, appointing, and promising to (h) *accept Sacrifices of attonement for ignorances and infirmities*, though *none for presumptuous or malicious finnes*. Mercifull God, what shall become of vs, if euery omission of dutie præscribed in the law, whereof after best search we may remaine ignorant, shall be imputed to our condemnation?

h Numb. 15.
27, 28.

This true, they say, there are Churches of God not yeelding this rent of their reuenuē to their chiefe Lord: so be there also that obserue not Sabbath, as for conscience of Gods Law. I might adde, but for lothnesse to depraue, practising freely, yea teaching lawfulnessse of cautioned vsurie: which yet Scriptures, and Fathers determine to be sinne against Diuine law Morall. Should I wade into more particulars, I doubt I should incurre suspicion of desire to depraue.

Of these and like errors and ignorances of Churches, thus haue I learnt to iudge. That inasmuch as there is reformation indeuoured of all knowne sins: and resolution generall to correct other errors, when they shall bee euenced, the mercifull God *will* (i) *cleansē from secret*, that is, from vnknowne sins.

i Psal. 19.
13.

Let this be withall considered, which may make their ignorance so much the more pardonable: that thorough

thorough intentnesse to other points of faith and dutie, exact and curious disquisition of such particulars hath beene omitted. 2. That also, which led Fathers sometimes into errour; that thorough want of aduersaries they haue not beene pressed to inquire so diligently. 3. And, it may be, pouertie or scandall of people, occasions silence of teachers. 4. Or who knowes, whether the æquiualent, or more be contributed by the people, proportionally to the redemption of things hallowed, permitted to Iewes, with addition of a fift part? Any thing, mee thinkes, I should thinke of these sinnes of Churches, rather then suppose them to sinne of contempt of the law, of malicious wickednesse, which alone makes the sinnes of Gods people *deadly in the euent*.

5. Besides, what preiudice brings the errour of him that plants, to them who come after to water? how are iudgements of succeders dazeled with authority, and high esteeme of præcedents, made almost admirable, by measure of gifts, and gracious blessing of God vpon their labours? The errors of *Luther* how are they holden *mordicus* in the Church by him planted? Might not like instance be giuen of *Calvine*? I know not how, reuerence of such persons almost fetters iudgement, and makes it willingly depriue it selfe of that liberty which God hath giuen, to (k) *Try the spirits whether they bee of God.*

1. 1. Ioh. 4.

Yeeld Churches therefore to liue in transgression of this morall præcept; yet while it is of ignorance, and error of iudgment, howsoeuer they may be censured in strict iustice to merite euerlasting death, yet God forbid wee should conclude them all vnder re-

medileſſe perill of condemnation in the euent.

In this ſort doth *Thomas* excuſe the people by their ignorance : Miniſters by their prudence and charity : that in deſire to aduance the ſpirituall good of their people, forbear clayme of their right to Temporalties : leſt ſcandall ariſe to the Goſpell : in which reſpect, much of what belonged to Chriſtian liberty was long concealed by Apoſtles.

Let not our people, where this truth hath beene ſo plentifully publiſhed, hence thinke to be excuſed; its onething, ſaith *Auſtin*, *neſcire*, to bee ſimply ignorant : another thing, *nolle ſcire* : to reſuſe to know. To ſhut our eyes againſt the cleare light of truth ſhining vnto vs : that may bee pardonable ignorance in others, that is damnable and deadly preſumption in vs ; and with that aduiſe I paſſe to the next Argument, nextly moſt plauſible amongſt our Schoolemen.

Obiect. 3. If this firſt Tythe bee due by morall precept, why not alſo thoſe Tythes for feaſts, and for the poore? Why not that tythe of the Tythe payde to the High Prieſt?

Sol.

Anſw. This argument vrgeth none, ſaue thoſe onely that make their whole ground of clayme, the ordinance for payment to *Leui*; ſuppoſing that the originall and firſt Law giuen for Tything. Who ſo acknowledge that *explanatorie* onely, not *introductory*, eaſily expedite themſelues. Conceiue vs thus. The law of Tything, wee ſuppoſe ancient as *Abraham*, as *Adam*: as we thinke of the Sabbath: what *Moses* after deliuiers to Iewes for either, tends onely to expone the ancient lawes, obliterate almoſt in reſpect of the determinate quantity either of time or ſubſtance.

Who

Who cannot now easily discern disparity between the Tythes, whose law had beginning onely with the Jewish polity, and those whereof was a law ancient as *Jacob*, as *Abraham*, likely as *Adam*? between a law newly introduced; and an ancient explained? Such wee suppose that for the first Tythes to bee, considering practise of *Abraham* and *Jacob*. That of other Tythes, not heard of, either in letter or practise, till the Jewish state established. 2. Besides were not those other Tythes, some of them, appendent to sacrifices, as the necessary *annexa* of festiuities peculiar to Iewes?

3. Thirdly, as touching the *decime decimarum* payde to the High Priest, might I haue leaue to interpose my coniecture, not altogether improbable, I should suppose it to imply signification of the perpetuall due of Tithes to *Christ*. Sith out of them, assigned for the time to *Leui*, he reserues this portion, payable, as a chiefe rent, to him, who in that state, *utique* bare type of him. In acknowledgement of that grand title and dominion in Tithes residing in him selfe, euen during that assignement, and lease, as it were, of Tithes, made to *Leui*. I affirme nothing, but leaue it to more accurate inquirie of the iudicious.

Thus to the Arguments of any woorth brought by the more ancient opposites to the moralitie of Tithing; those of latter time haue beene I suppose, sufficiently answered in our first Tract; yet may it not be amisse to reuise some few of the principall. That is one commonly pressed from the Authoritie especially of him, who first coyned it. Thus.

Obiect. 4. If Tithing be a morall dutie, then that ordinance also of bringing Tithes to one common storehouse; Mal. 3. This latter was peculiar to the Iewes. Ergo.

Sol. The *quæres* here are, 1. Whether in likelihood all Tithes were brought to one common storc house at Ierusalem? 2. Whether yeelding so much *ex abundante*, it thence follow, that the præcept of Tithing is for substance temporarie, because that circumstance was peculiar to the state of the Iewes?

Ad 1. They are probabilities not to be despised brought by that acute Gentleman St. James Sempill.

1 Neh. 11. 18. 29. & 10. 37. 38. 1. That (1) the more part of Leuites kept their vsuall residence in the Cities of their inheritance. 2. And that they drew their sustenance in the places of their seruice. 3. And it were very strange, that the Lord permitting to Israel, for their ease, libertie of exchange in the Tithes for feasts, should hold them so strictly to their pay in kinde, and portage to Ierusalem of their greater Tithes, due to Leui. 4. Especially sith, vpon that supposall, they were to be recarried from Ierusalem to the Cities of Leuites ordinarie abode, there to be employed to their seuerall vse.

Howbeit yeelding it *ex abundante*, followes it thence, that the maine office of Tithing was, as this circumstance, temporarie? There were apparently some *ceremonious* obseruances annexed to aperrest moralities in those times: with which, if wee shall thinke the principall duties vanished, wee shall abrogate almost all deuotion. Prayer vnto God, though not wholly tyed to the Temple at Hierusalem, yet was inioyned to bee made with respect

respect to the Temple. Wherefore also *Daniel* in Chaldæa prayes with his face directed towards Ierusalem. If any shall thence inferre, that prayer is now abolished together with that ceremonious *annexum* to prayer, hee might well deserue to bee ranged in the ranke of those Atheists *David* speakes of, *who (m) call not upon the Lord.* All out as *m Psal 14.* inconsequent is the inference from that circumstance, to the substance of Tithing.

Iudgement of learned men amongst the first instrumēt. 5.
ments of reformation we are oft pressed withall, Martyr, &c. Whose opinion it seemes, that the ordinance was temporarie, and Tithing amongst the vanishing ceremonies, or figurall iudicials of Iewes.

But 1. is not generall iudgement of Fathers as evident for their perpetuities? may it not sway with these?

2. Haue not the same men, in other points of apparent moralitie, beene as much mistaken? what thinke we of vsurie? what of the Sabbath?

3. Haue we not men of æquall learning and iudgement, their *conu* almost, their opposites? See *Gualterus, Iunius, Zepper, &c.*

4. It would be weighed, on what occasion they fell vpon the opinion.

In the quæstion of traditions, and authoritie of the Church to præscribe lawes to the conscience, thus Papists reason. The Church had authoritie to alter the day of the Sabbath præfixed by God himselfe. Therefore to enact lawes to binde conscience.

Thus is the answer of these Diuines for default

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of a better : It followes not ; because the ordinance of the Sabbath, at least for the day was ceremonious only, and so of it selfe to vanish in the time of reformation.

Had not the Answer beene better, by distinguishing the Church extraordinarie, from that, which now is, ordinarie ? Of Apostles, first publishers of that alteration, we know they had infallible guidance of Gods Spirit ; thinke also they had instruction for this particular, from the mouth and practise of our blessed Saviour, the great Law-giuer ; Like instincts and vnerring direction the Church, that now is, may boast of ; can neuer prooue.

Heb. 7. In that other controuersie about Papall power, and soueraignetie ouer kings, in Temporalties, thus they dispute. The receiuer of Tithes is superiour to the payer. Pope receiues ; Princes pay Tithes. *Ergo.*

The Answer *P. Martyr* thus frames. The proposition is true only where payment of Tithes stands in force by Gods Law ; as his iudgement seemes, it did for *Abraham* and *Iewes*. The case is now altered, while its arbitrarie to the Church, to pay in that or another competent *quota*.

Might we not fitlier answer ? 1. by denying the *minor*, if it speake *de iure* : 2. or by distinguishing superioritie, which is not all in temporall power and authoritie, but some in other excellencie ?

Obiect. 6. *Tithes are not in all the New Testament specified to be the Ministers maintenance : So indeede reasons Bellarmine, so Thomas, so Canisius and many others of that ranke of honest men. In noua lege, in the New Law,*

Law, that is, in Scriptures of the New Testament we finde no such precept. Ergo, not due to Ministers by the word of God. Resp.

Now sure I had thought it had beene sufficient to have found them grounded on any part of Scripture, not particularly concerning the Church of Iewes; because *the (n) whole Scripture is given by inspiration from God*, And *that (o) word of Prophets, faith Peter, is a most sure word, we shall doe well to attend thereto*. Therefore hitherto it hath beene a *maxime* amongst Diuines; *A parte Scripturæ non valet argumentum negativum*. Its a morall stature giuen to Magistrates, *(p) to punish with death the shedder of mans blood*. Yet I finde it not specified in all the New Testament. An ordinance irrevocable, that the Sabbath be kept with cessation from Labours: yet specification of the durie I finde not in the New Testament. Sundry the like might be instanced; as by view of that place, *Ezech. 22. 7. & 12.* to euery man may appeare. Onely let me intreat men fearing God, not so farre to forget their reuerence to th' old Scriptures, and the Spirit that inspired them, as to deny them their share with the New Testament in this honour; of being rule in part of their faith and practise. This age is strangely in loue with Epitomees, if faith it selfe shall bee drawne to her *compendium*. But let vs beware wee fall not into Manicheisme. Christ said of *Moses, (q) He should iudge the Iewes*: So shall hee and Prophets iudge Christians also, as well as Euangelists and Apostles.

2. Who can question this truth, so cleare to all men? so necessarie for all that will, with *Tertullian*,

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Sol.

n 2. Tim. 3.

16.

o 2. Pet. 1.

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p Gen. 9. 6.

q Ioh. 5. 45.

maintaine the fulnesse of Scriptures? *That Scripture teacheth as well what it implies, as what it expresseth.* Teacheth it not particulars in generals? Effects, or consequents in Principles? Equals by æquivalence, and paritie of Reason? The conclusion is not extant in Scriptures of New Testament; that the præcept of Sabbath is not abrogated: yet taught in the New Testament. Sith (r) *no præcept of the Decalogue* abrogated: Ergo, not that of Sabbath. The conclusion not expressed in New Testament: *Infants are to be baptized:* yet taught in New Testament. Sith to whom (s) *promises*, (t) *kingdome*, (u) *covenant*, (w) *Spirit belong*, to them Baptisme. Ergo to Infants. These doctrines are taught in the New Testament, because generals, principles, or æquivalents are there taught. And so haue wee Tithing præscribed in the New Testament. Yea more then so *implicit*: as by that foresaid hath already appeared. Its by this occasion now in my minde which *Tertullian* hath in his treatie *de spectaculis*: where bending himselfe to dissuade Christians præsence at such prophane, and barbarous spectacles, as were then in vse, he thus shapes answer to a reason of this mould. Some mens faith (saith *Tertullian*) whether ouer simple, or ouer scrupulous, demands our Authoritie from Scriptures for this abandoning such sights; And makes it selfe doubtfull, because such abstinence is not there expressly and by name inioyned to the seruants of God. Whereto he answers: *Planè nusquam inuenimus, &c.* Its true, we finde not in any place, that as its apertly said, *Thou shalt not kill, &c.* So it is expressly defined, *Thou shalt not goe*

r Muth. 5.

17.

s A& s. 38.

59.

t Mark. 10.

14.

u 1. Cor. 7.

14.

w A& s. 10.

47.

to the Circle, or Theatre, &c. But the generall of *David* we finde to touch this particular. *Blessed is he that walkes not in the Counsell of the ungodly, nor stands in the (x) way of sinners*: if in no way of sinners, then not in this: *Nam & apud spectacula in via statur, &c.* There needes no application. * Psal. I. v.

This Argument, the same for substance some haue *Inst.* urged with this *avens*: In Scriptures of New Testament, where *Ministers maintenance is purposely treated*, no mention is to be found of Tithes. And that is at least a præsumption, their payment is by no perpetuall ordinance of God. For is it likely the particular would haue beene concealed? y. I. Cor. 9:

Resp. But what if *Pauls* maine purpose be not to treat of Ministers maintenance at large? but only to show that himselfe and *Barnabas* had of right, share in that maintenance; whether Tithes, or what else assigned by God, ordained by Christ, approoued by consent of Nature and Nations, to be due to the Ministerie? Then, mee thinks, no great necessitie, or likelihood of his instancing in the particular. I dare the learning and Logique of any opposite, to avow vpon the credit and reputation of his learning, that *Pauls* maine conclusion is there *vniversall*; for the whole body of Ministers. Is it not apertly particular for himselfe, and *Barnabas*? Conceiue it thus. *Paul* and *Barnabas* haue right to share in that maintenance, ordained by Law of God, and appointment of Christ: Because euery Minister hath right to a portion therein. How now if he suppose that maintenance to bee Tithes? Then likely hee intended Tithes, though hee named them not: nor indeede

needed name them : fith no other certaintie is by *Moses*, or Christ allotted to Ministers. Nay, see if the Argument be not prænant for Tithes. *Paul* and *Barnabas* haue, of right, share in that maintenance, which *Moses* in the Law assigned, Christ in the Gospel ordained for Ministers.

But the maintenance assigned by *Moses*, ordained by Christ for the Ministry, is Tithes; therefore in Tithes *Paul* and *Barnabas* haue, of right their share. I dare say, the Argument is more probable out of this Scripture for Tithes, then any, which by any præsumption, except too præsumptuous, can be forced from it against them. Who lists to see more for his satisfaction in this Argument, let him returne to what is said in the fore-speech, by way of answer to our Cauiller.

But who will vndertake to euidence the particulars of all duties of Iustice, charitie, Temperance, euen there where he shall finde such duties purposely præscribed? or be so bold, (*nequid dicam granum*) as to exclude particulars of these duties from Intention of Gods Spirit, vpon supposed likelihoods, or præsumptions truly præsumptuous? When *S. James* vrgeth exercise of (2) *reall mercie* towards Brethren in miserie, must he needs descend to the particulars of *visito, poso, cibo, &c.* or else be præsumed not to meane them? Away with such inferences.

2 Iam. 2.
16.

Obiect. 7. Morall duties euer bound conscience, euen before the Law of *Moses*. No law for Tithing till the time of *Moses*. Ergo.

Sol.

Ans. *Quasi dicam*. Moralities pressed conscience before the law given by *Moses*. For Sabbath was no law

law till the dayes of *Moses*. Ergo: who cannot answer. That there was a law for Sabbath *extant* before that written by *Moses*, as there was also against adulterie, Idolatrie, periurie, *though unwritten*? 2. we haue for Tithing that which is equiuallent to a præcept, the approoued practise of the Saints of God. 3. yea if *Lyra* may be credited, an implied præcept for Tithing giuen to *Iacob*. *Gen.* 35. 1. when hee is commanded to build an Altar at *Bethel*, according to his vow made, *Gen.* 28. Looke backe to what is said in clearing the first Argument and thereby iudge whether the præcept for Tithing were in those daies giuen or not.

Matters of vow are no matters of precept. Tithes were (a) vowed by Iacob. Ergo, not commanded. Obiect. 2. 4 Gen. 28.

Ans. 1. And are all matters of vow arbitrarie, none moralities? what thinke you of that, *vers.* 21. uttered in the same vow, and, as it were, with the same breath of *Iacob*: *If the Lord will go with me, and keepe mee in the way that I shall goe, &c. then shall the Lord bee my God.* Was it a matter arbitrarie to *Iacob* to haue the Lord, and him onely to be his God? being the substance of the first morall præcept? yet was it vowed by *Iacob*, as we see, on like condition with Tithes. More instances might be giuen. 2. But thus conceiue these Doctors in this argument mistaken. Something there is in a vow after a sort Arbitrarie. What that is, you may thus be informed. In vowes are two things considerable: *Actus vouendi*: 2. and *materia voti*. The (a) *Act of vowing* falles not vnder peremptoric præcept, but is left as libertie. Yet may that *Act* passe on a matter commanded, as a meane,

Obiect. 2.
4 Gen. 28.
22.
Sel.

4 Deut. 13.
22.

1. to *strict us to more carefull obseruance*, 2. to *excise our dulnesse*, 3. or *prauent omission*. To which purpose we may well suppose *Jacobs* obliging himselfe to the dutie of Tithing, formerly commanded, to haue had reference. Like as had *Danids* (b) *oath*, whereby hee *stricts himselfe to keepe Gods righteous iudgements*. A matter, I should thinke, commanded, yet fit enough in *Danids* iudgement, to become matter of vow.

b Psal. 119.
106.

Obiect. 9. *Tithes are originally, in Kings and Ciuill Magistrates; and its their Mishpat, that is, ius to dispose of them to Ciuill, or religious vse. For, saith the Lord of Israels King, Hoc erit ius Regis vestri, &c. hee shall take Tithes. 1. Sam. 8. 15.*

Sol.

c Leuit. 27.

30.
d Numbr:
18. 24.

Ans. Is it possible men of learning should aduisedly thus reason out of this Scripture? The Lord had long ere this declared (c) *Tithes to bee his*: assigned then to *Leui*, for (d) *his seruice in the Tabernacle*, and that vnder Magistrates Ciuill, though not Kings. When in his wrath he giues a King to Israel, reuoked he his ordinance of Tithing to *Leui*? who can thinke it? I stand not to dispute the quæstion, whether the words describe a King, or not rather a Tyrant. But this I am sure is euident; The Lord there shewes the many mischiefes should befall them, for their reiecting the gouernment by himselfe established, such as should make them crie vnder the burthen of his exactions. A course befeeming an exorbitant Tyrant, rather then a regular King. Iust: yea but this shall be his *Mishpat, that is, his ius. vers. 11.*

Ans. And why his *ius*, rather then his *guise*? his *right*, rather then his *fashion*? As most render, and the

the word oft signifies. To take to themselves whatsoever the flesh-hooke brought vp out of the Cauldron, was the *Mishpat* of the Priests. 1. *Sam.* 2. 13, 14. was that their *ius*, or their *mos*? their impious and abominable fashion? And was it the *ius* of Israels King to take from the people their fields and vineyards and best oliue yards to giue to his seruants? As is said vers. 14. How then sinned (e) Achab in con-
 e 1. Reg. 21. 1, 2, 3.
 uincing Naboths vineyard, and desiring to purchase it with money? Yea, why offers he money, or deales by way of contract? It was his *ius* being a King, to take vineyards and fields from subiects, to giue to his seruants: much more to keepe for his owne behoofe and conueniencie. 3. Alienation of possessions from Tribes and families, was flatly forbidden to the Iewish people; vnlikely therefore that the Kings *Mishpat* should here import his right. 2. But what when its yeelded he had a *ius* to exact Tithes of subiects? Must it needs be vnderstood of Tithes of Leuites, assigned them of God? And not rather of other Tithes which he might craue in *subsidiu*? as
 (f) *fists* were once imposed vpon Egyptians. Cer- f Gen. 47.
 tainly Ezekiah thought Tithes the Leuites due; And 24.
 therefore, amongst other præcepts of reformation, giues this, for their payment (g) to Leui; as thinking
 g 2. Chron. 31. 4, 5, 6.
 Tithes committed to him, if at all to him, but as Church goods of old were vnto Bishops, *non vt Dominis*, but *vt Oeconomis*. And the people bring them to Leuites in the name of holy things, consecrated vnto God.

Apostles receined not Tithes in their daies. Ergo. Ob. 10.

Answ. 1. That's hard, that I say not impossible; Sol.

Cc

to

Zanch. in
praecept. 4.

to prooue. Yea, if Mr. *Zanchius* may be credited in his apprehension of *Cyprians* report, receiued Tithes of some Churches, 2. Not Tithes? no nor ought else of some Churches; but made, some, their *owne hands Minister to their necessities*, that they might not be scandalous to weake Brethren, nor chargeable to afflicted Churches. 3. yea suffered bonds, reproches, cruell deaths, &c. must therefore Ministers of all Ages receiue like measures from her children? 4. The Argument followes not from no practise, to inferre no *ius*. The vse of that right was *in some places and times* remitted, as ouer burthensome to that state; as (*b*) *Circumcision* was once to Israel in the *wildernesse*.

b Ios. 5. 5,
6.

Ob. II.

If Tithes be thus due to Ministers, why not also first fruits. For these were also by precept payable to Leuites.

Sol.

Ans. As who say, we made the ordinance of Tithing to *Leui*, the onely ground of our claime to Tithes. Thus rather we demand them; 1. as due to God by reseruatiō from the beginning: 2. as following Christs Priesthood: 3. as the only certaintie of Ministers maintenance mentioned in Scripture: 4. as consecrated to God by consent of Churches and edicts of Princes; 5. as agreeing with the vse and practise of the Church in all Times. And yet if, vpon *Hypothesis* of their former duenesse to God, any frame plea for Ministers of the Gospel, because they were assigned to Leuites, well enough, they may iustifie it: either vpon supposall that they were assigned to them *as Ministers* of holy things, not *as such Ministers*; or by *proportion and paritie of Reason*. 2. But yet betwixt first fruits and Tithes the disparitie is manifest.

manifest. 1. For that, *first fruits* were paid to *Aaron*, as high Priest, whose *Priesthood* is (s) now passed to *another*. 2. Vpon a reason particular to the Iewish people. 3. were figures as should seeme of Christ, *The (k) first fruits of them that sleepe*; of beginnings of sanctification, called by th'Apostle the (l) *first fruits of the Spirit*. Can any of these be auouched of Tithes; i Heb. 7. 11.
12.
1. Cor. 15. 20.
1 Rom. 8. 23.

If precept of Tithing to Ministers be Morall, then that also of their not hauing portion amongst their Brethren. Ob. 12.

Ans. The same fallacie, that before. Yet the *Sol.* Argument followes not. 1. For (saith *Polanus*, in Ex. 4. 28. (though, I auow not his answer) that ordinance was figuratiue, foreshadowing Christ who had not (m) *where to lay his head*. But, 2. It was neuer forbidden Leuites to haue portion amongst their brethren, in that sense that these men take portion. They, had (n) *Cities with their suburbs*, which were their *perpetuall possession*, and passed from father to sonne; subiect to the same lawes of Redemption as others. m Math. 8. 20.
n Num. 35.
Leuit. 25. 34. Wherefore *Ieremie* a Priests sonne, (o) *buies the field of his vncle*, as next of kinne. See also, 1. *Reg.* 2. 26. 9. Thus therefore vnderstand that ordinance of Leuites hauing no portion amongst their Brethren: No portion, that is, *no such portion*, separate from their Brethren, as had other Tribes; nor simple none.

The reason whereof, in probabilitie, was *Iacobs* prophetic, touching their (p) *scattering amongst their Brethren*: disposed of also by Gods prouidence, for greater conueniencie of the peoples instruction, as also by situation of their cities in (q) *euery Tribe*, is, p Gen. 47.
7.
q Iosh. 24.

r Iosh. 14.
4.

mee thinkes, probable. Or (as vpon certieintie, from the relation in *Ioshuah* his stories, we may assigne the Reason, apparently particular to the Iewish Politie:) It was Gods designement to make partition of the land of promise into twelue, according to the number of Tribes. (r) *Therefore the Leuites had no such part giuen them in the land, because the children of Ioseph were two Tribes, Ephraim and Manasseh.* Should *Leui* now haue his share, as other Tribes, Gods purpose for a partition by twelue must faile, or be changed: when once we haue intelligence of any such designe of our Lord and Master, we will easily surrender all claime to Temporalties: meane while, will craue leaue to thinke that ordinance peculiar to the politie of Israel.

Yet if to any Christian state vnder the Sunne this Argument be impertinent, most to our English. Our Cities and suburbs are mostly seized in Lay fee. Lawes, they say, peremptorie and not to be repealed, against almost any purchase to be made by Ministers, either for bettering their owne maintenance, or Liuelihood of their posteritie.

s 1. Tim. 3.
Tit. 1.

But to the purpose; A manifest disparity there is betwixt Leuites and vs. For children of *Leui* succeeded their Parents; and were for euer to bee maintai-
ned by Leuites portion. Not so the children of Ministers, except (s) *they bee approoued and found meete for the Ministry.*

Ob. 13.
s Numb.
18. 24.

Tythes were assigned to Leuites for their seruice in the (t) Tabernacle, which was caremoniow. Therefore not at all belonging to Ministers of the new Testament.

Sol.

Answ. 1. A broad conclusion from so narrow præ-

præmises. Therefore no longer belonging to *Leui*,
 since their cæremonious seruice is ceased, had beene
 somewhat faire, and all that the antecedent will af-
 foord. But therfore no more to any Ministers of holy
 things, whom Christ hath ordayned *(u)* *to liue, and* 1. Cor. 9.
so to liue of the Gospel, is too too large. 2. And by as 14.
 good inference you may prooue *reuerence, obedience,*
defense of Ministers, cæremonious duties, inasmuch as
 these also belonged to Leuites for their seruice in the
 Tabernacle. For why must Israelites giue Leuites
 honour, obedience, singular loue, but for their worke
 sake? And what was their worke, but their seruice
 in the Tabernacle. So that now our people owe vs
 no more honour, obedience, loue, &c. *for our worke* 1. Theff.
sake, as is præscribed. For these all belonged to Le- 1. 2, 13.
 uites for their seruice in the Tabernacle, which was Heb. 13.
 cæremonious. But thus vnderstand: They were as- 17.
 signed to Leuites for their seruice in the Tabernacle,
non qua Tabernaculi, but *qua seruice*. And therefore
 long before Tabernacle erected, they were *(x)* *paide* Gen. 14.
to Priests. 3. Was the whole seruice of the Taber- 2. Chro.
 nacle cæremonious? were not some maine parts of 17.
 it apparently morall? What thinke yee of *(y)* *tea-* 2. Aa. 15.
ching the people, of *(z)* *reading the Scriptures*, and gi- 21.
uing sense, of *praying God*? Were not these parts of Neh. 8. 3.
 Tabernacle seruice? Had not Leuites maintenance 6, 7, 8.
 by Tythes for these, as well as for slaying Sacrifices,
 and other cæremonious obseruances? Surely if these
 bee the best and clearest reasons against Tything, I
 must needs professe, they are so farre from making
 mee doubt of my Conclusion, that they rather sta-
 blish my iudgement therein. And these are all th'ar-

guments I haue yet heard vrged by men of any iudgment, against the necessitie of paying Tythes.

Obi. 14. One other onely which Seculars vse, I will annex. And that is drawne from a perillous inconuenience ensuing vpon this sentence. What is it? Forsooth, if *Tythes belong to Ministers, and are payable to them onely according to the word of God, It will come to passe, that a Ministers portion shall exceed the allowance of two or three of his wealshiest Parishioners. But that, I tell you, is a shrewd inconuenience.*

Sol. *Ans.* A Mischiefe which I wonder the Lord in his endlesse Wisedome neuer bethought himselfe to prauent, amongst the Israelites. The Leuites, though according to the generall diuision of Israel by Tribes, they were the thirteenth part of the people; yet according to exact number of persons reckoned by polles, were scarcely the sixtieth part of the people. The number of the people without the Leuites; amounted to (a) *six hundred and three thousand, five hundred and fifty.* To which if wee adde their olde men, and all from vnder twenty yeares amongst them, who came not into the first number, allowing but double so many for them, they arise to about a thousand thousands, and three hundred thousands. The Leuites numbred from th' Infant to th' old man, were found but (b) *two and twentie thousand* onely, which is not aboute the sixtieth part of the people. Yet see the Lord allots them the tenth of all the increase of the Land; beside (c) *share in oblations, things* consecrate by vow, and 48. Cities, with suburbes of so large circuit, as according to *Hieromes* measure of the Land, exceeded the portion of any other Tribe

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in Israel. Its maruell none would vndertake to bee the Lords Counsellour, and to tell him, such large allowance might make Leuites proud and lazy. God euer loued vs better then men ; lesse misdeemed vs, then men doe. Therefore to his wisdom so large portion seemed not inconuenient for *Leui* : how, except for spight, seemes it so ouerlarge for Ministers of the Gospel ? 2. Againe, how falles it, that to other orders and rankes of men, as Lawyers, Gentles, &c. their portions exceeding by more then fourths the portions of others, are not maligned ? The Ministers of all other should bee most subiect to enuy ? My trifling Cauiller to this purpose postulates. *What strange dispositions wee Ministers are of ; that will not bee content with a large liberall Competencie, so that we may bee sayde to liue in a degree of superfluitie.*

And I repostulate, what monstrous disposition you Gentles are of, that hauing the superlatiue of superfluitie, yet cry as the horseleach and the Graue, Giue, Giue : That hauing fedde your selues without feare, not to satietie, but to surfet of Abbeies and Monasteries, yet cannot beteeme vs our Tything part, as the gleaning after your Haruest. And how you can so idolize your persons or merits, as to think thousands too little for you, except you haue Parsonages also to feede your Luxurie ? But to your quære in sober sadnesse. This onely will content vs, that wee haue *nostrum* : *what God hath assigned vs.* Bee that lesse, or more, though but *vicinus* and *vestitus*, therewith we rest contented. Is any of you so *auarulus*, that hauing otherwise abundance, beares the iniurie of the rapinous vsurper, and takes not bene fit of law

to lay claime to right? or must he needs be thought strangely couetous, who hauing a competencie, makes claime of greater abundance left him by his Auncetors, deuolued vpon him by termes of law? And what strange thing is this in our disposition, that seeing your vniust intrusions vpon Gods portion, we tell you our Title to Tithes, though otherwise competencie were neuer so liberall? It will scarce seeme credible, be it neuer so true, that *we seeke not yours, but you*; not our owne profit, but your repentance and saluation. The God and Father of our Lord Iesus Christ knowes that I lie not; I had much rather see my people freed from the guilt of this Sacriledge, then enioy the commoditie.

But how is it, I maruell, that in your owne, though farre larger portion, you know no measure, but are still adding thousands to hundreds; and yet of a Ministers stipend of fiftie or an hundred pounds, ye can crie *Sufficia*: Its enough and too much for the Priest. What, I wonder, is that great seruice you performe, so ouer-acceptable to God, or profitable vnto men, aboue the worke of a Minister? that you should thinke your selues worthy of all whatsoeuer by a *vis* or *modus* you can scrape together; And yet to Ministers for their worke sake hardly betecme double honour, in proportion to the meane-wealthy amongst their people? *Tempora, Tempora*, how are yeeturned? But I conclude. Sith Tithes belong to Christs Priesthood; sith no other certeintie allotted to Ministers in Scripture; sith detainement is Sacriledge; sith Tithing no caremonie, nor particularly iudiciall; sith confirmed by consent and practise of
the

the Church in all times : Lastly (which is not the least) sith reasons against it are of so no force, as we haue seene, therefore Tithes are of the portion due to Ministers for their seruice in the Gospel.

THus farre we are come fairely on in our way towards Mr. *Seldens* storie. A booke confessedly fraught with various reading and learning. And were not the Criticisme sometimes ouer-nice and curious, well enough becomming the Author. The noise whereof, before the publishing, sounded as Thunder to astonish all opposites. It selfe holden out, as some *Gorgons* head, to affright him whosoeuer should cast eye on it, retaining opinion of a Diuine law for Tithing. I wondered, I confesse, knowing his person and parts, that either he would hazard his reputation of learning in such a decision; or so farre forget his wonted modestie, as to intromit in a question proper to a higher profession. Timely enough falling on it, I found his præface vtterly disclaiming purpose of meddling with the *ius*. His proceedings though too too exceptiue, yet such as, being yeilded, inferred nothing against the Diuine *ius* for Tithing. His reuiue, manifesting affectionate loue to the reuenue of the Church; and apertly claiming Tithes from Lay-hands to more sacred employment, though not vnder Title of *immediate Diuine Law*, yet vnder that of *Consecration*. And now my charity began to conceit, that his very exceptions

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to Authorities cited from Ancients, and noting supposed mistakes, might so be interpreted, as ayming at nothing, but making vs wise, to ponder, rather then number suffrages. Confident I grew, that no Argument could be strained from that Author, forcing to leaue claime of Tithes by Diuine law Morall. And am yet resolu'd, his *Crisis* so exact will with greatest scorne reiect such as Lay-mens Logique hath forged at his Annile. A sample or two of them I propound, and shall maruell if he hisse not at them.

Arg. 1. *Tithes paid by Abraham were only of spoiles of warre: of those taken in that expedition.* Yeld it, for reuerence sake of those Ancients, cited by Mr. Selden, *Heb. 7.* so to interpret; though the probabilities bee faire, and Authorities aequall to the contrarie. What trow wee shall the inference be? *Ergo no ius diuinum for Tithing?* Mention if by him that vrged it, it was not bent to that conclusion. At lest, *the fact of Abraham, supposed to be of necessarie imitation, makes lyable onely the booties of warre. So may our peaceable possessions plead exemption.* *den. cap. 1.*

Resp. *Ansiv.* Belike then examples of generall duties presse no farther, then the particular matter wherein they were *occasionally* exercised. As if I should elude Pauls præcept of hospitalitie, enforced from (a) *Abrahams example and issue thereof*, by thinking my selfe pressed thereby only so farre as I were supplied with like matter of entertainment. In case some *Nabal* should now want the (b) *Butter and milke and Calfe which Abraham dressed*, he stands no farther bound by Pauls præcept or *Abrahams example.* Or

a Heb. 13.
2.

b Gen. 18.
8.

as if *Dorcas* her exercise of mercy to poore wid-
dowes, pressed none to like practise, who could *not*
(c) *provide Coates*, as shee, to defend them from iniu- c Ad. 2. 39.
ries of the ayre. Know yee, that Acts of generall
dutie howsoever exercised *occasionally* in this or that
particular matter, yet are intended to bee exercised
in euery matter competent, or capable. As when the
præcept or practise is of Almes-giuing, though per-
haps specified in the matter of foode or rayment, yet
must it bee conceiued to extend, in the intention of
the commander, to any the (d) *worlds good* which d Ioh. 3. 17.
God hath giuen vs, thereby to supply the want of
our needie Brother. Likewise, where præcept of Ti-
thing is read, howsoever practise be exemplified in
this or that perquisite, or prædiall, as occasion serued,
yet must it be præsumed to be meant, as the Pharisee
conceiued, (e) *of all that we possesse*. Though there- e Luk. 18. 12.
fore *Abrahams* Tithing at this time, be yeelded only
of the Tenth of spoiles, præsent occasion thither li-
miting, yet presseth his practise to that Act in euery
matter competent; inasmuch as the præcept runnes
for Tithes of the whole reuenue; And *Abrahams*
practise was *occasionally* only in the particular of
spoiles.

Besides, gaue euer man hent to his Argument
from the matter of *Abrahams* Tithing? or can any
suppose, th' Apostle proouing the Leuiticall Priest-
hood inferior to that of Christ, founds his reason on
the matter of the Tithe paid by *Abraham*, and *Leui*
in his loynes? How, I wonder, doe Tithes of spoiles
argue homage due to Christs Priesthood from *Leui*,
rather then Tithes of other substance? The fact of

Abraham, which we truly suppose regulated by the Law of God, and therefore of *necessarie imitation*: The fact of *Abraham* the Patriarch, done by him as *Caput fidelium*, which Sir *James Sempell* acutely observes, his fact in tithing to Christs Priesthood tyed in *Melchisedec*, that grounds our Argument for the perpetuall due of tithes to th'Euangelicall Priesthood. The matter of his tithing wee notice not in the first quæstion of the generall dutie; But in that secundarie, where th'inquirie lies, what goods are tithable, whether prædiall only, and not also personall?

And will any suppose a Gentleman of Mr. *Seldens* learning, euer intended his first Chapter, for Argument in quæstion of the *iur*? I dare say he sees how easily it may bee retorted on them who thither bend it. For if of perquisites Tithes be due, much more of prædials: sith perquisites fall vnder the sense of the Law onely by *paritie of Reason*: prædials (f) are pointed at in the letter. If such perquisites, acquired with hazard of life be tithable, much more our peaceable possessions, which we enioy, *sitting euery man vnder his owne vine, vnder his owne fig-tree.*

f *Leu. 27.*
30.
Arg. 2. The second is of like mould. *Abraham when hee payde, Iacob when hee vowed Tythes, were Priests*: if any thing bee thence concluded, it toucheth the Priesthood onely; Laicks for any thing these examples prooue, may pleade exemption.

Resp. *Ans. q:d* *Abraham* when hee entertained strangers, when hee obeyed God in offering his sonne *Isaac*, was a Priest. Ergo the duties of hospitality, and obedience presse none from *Abrahams* example, saue onely

onely Priests. And yet St. *Iames* from *Abrahams* fall
enforceth vpon all Christians necessity of ioyning
good workes to faith. And generally its true, *generall*
duties by whomsoever exercised, whether Priest or
Prophet, vrge all mens consciences from their ex-
ample, of what calling soeuer they bee. See places ci-
ted in the Margine.

Iam. 2. 21.

Heb. 13. 7.
Iac. 5. 10.
&c.

But, *ad rem proprius*; Yeeld then Priests for those
Priestly offices sake performed by them. Suppose
you Mr. *Selden* ignorant of that *quare* in *Thomas*,
whether Clerickes stand bound to pay Tithes? or
of the solution? Thus it is extant in *Aquinas*. Though
Clerickes, in *quantum Clerickes*, are not bound to
pay Tithes: yet as owners, and hauing property in
Temporalties, so they are equally obliged with La-
ickes. Who euer denied the temporalties of Church-
men holden in Lay-fee, to bee subiect to the Law of
Tithing? And of such goods onely paid *Abraham*,
vowed *Iacob*. They paid not *qua Sacerdotes*, but *qua*
Domini Temporalium. So that from their so carefull
obseruing the duty, being Priests, it followes *a forti-*
ori, that Lay-mens Temporalties are Tithable. For
if those that minister about holy things, must yet pay
Tithes of their vnconsecrated Temporalties: much
more the people, who without damnable intrusion
(g) meddle not with the honour of *Aaron*; performe
no office of publike ministerie in the sanctuarie.

Heb. 5. 4.

Succeeding Arguments forged from him, haue
more shew of probabilitie. Yet in them all consider:
howsoever they are applied by the readers, yet were
they neuer intended by th' Author to disprooue the
diuine *Law* for Tithes; except perhaps you will thinke

him couertly to strike at that which hee professeth not to aime at. For my part I cannot but professe my selfe otherwise minded. Take them in order.

Arg. 3. The first is founded on the long disuse of Tithing, and forbearance of claime. *No use of Tithes occurs till about the end of the first foure hundred yeares after Christ; nor, as is added by the Collectors against th' expresse words of th' Author, opinion, or claime of any by any Father, Councill, or Constitution, except of suspected credit, for aught is extant in Records of that time. A faire probabilitie, a shrewde Argument, say those that make the inference, they were not due, at lest not thought due by diuine Law.*

Resp. The quærees pertinent to this Argument are these. 1. Whether *use or claime* were so long forborne. 2. What in *Times and places* of disuse, or not claiming, if there were any, may probably bee thought reasons of both. 3. Whether, supposing so long intermission of *use or claime*, any thing follow concluding no *ius*, or no opinion of a diuine law for Tithing; as is vrged by the Collectors.

Ad primum. For the time of our Sauours life, the use is read in that ostentation of the *(h)* Pharisee; præsensness in use noted, and countenanced by our Sauour. Necessitie also of Tithing in regard of præcept, euen for the *(i)* minima pointed at. And hereof is no quæstion; the law for Tithing standing yet, by all mens Confession, vnrepealed.

Mr. Sel- For daies of th' Apostles, heare the Author. *So liberali in the beginning of Christianity was the deuotion of beleeuers, that their bounty to th' Euangelicall Priesthood, farre exceeded what the tenth could haue bene.*

Well

Well might claime of a Tenth *under that name* bee now forborne where deuotion was so feruent. Yet this was peculiar to Hierusalem; *Non (k) enim vllas Ecclesias Gentium fecisse scriptum est*, saith St. Augustine; as he is truly cited by th'industrious Scholiast vpon the storie.

*h. Augustin.
de doct.
Christi. lib. 3.
cap. 6.*

And apparently for some of th'Apostles time, Churches of Rome, Corinth, Galatia, Ephesus, &c. retained their seuerall possessions, without such whole-sale of them as was in practise at Hierusalem.

Whether vse, or claime of Tithes to the Ministerie, were in any those Churches or Times, if any demand, thus is their answer. Neither clayme nor vse *totidem verbis* vnder the name of Tithes is extant in th'Apostles writings, except in th'Epistle to the Hebrewes. There I thinke, with Mr. Seldens suffrage, we reade the vse amongst Hebrue Christians of that time. The clayme also by apert consequence in currey the precepts, exhortations and disputes of Paul touching the generall. See what is noted before in examining the text of Paul, 1. Cor. 9.

Heb. 7.

To Timothie thus is the charge. Let (l) Presbyters be counted worthy of double honour. This double honour St. Hierome calles *debitum honorem*, and explains it of Tithes due to Euangelicall Priests and Leuites. His words, because not thought to speake punctually enough for Tythes, shall bee subioyned.

*1. Tim. 5.
17.*

Quod de Decimis primitisque diximus, quae olim dabantur a populo Sacerdotibus ac Leuitis, in Ecclesiae quoque populi intelligite: quibus praeceptum est non solum Decimas & primitias dare, sed & vendere omnia quae habent, & dare pauperibus. Quod si facere nolumus, sal-

*Hieron. in
Malach. cap.
3.*

D d 4

tem

sem Iudeorem imitemur exordia, ut pauperibus deemus partem ex toto, & Sacerdotibus ac Levitis honorem debitum deferamus. Vnde dicit Apostolus, Honora viduas, & Presbyterum duplici Honore honorandum. Quod qui non fecerit Deum fraudare & Dominum supplantare convincitur.

It's yeelded by th' Historian, hee speakes of neglect of payment. I suppose, *as a fault*. Is it not consequent, that hee thinks *it duty to pay*, who supposeth it faulty to neglect payment?

'Tis true, S. *Hierome* would leade Christians to greater perfection as he conceiues it. Yet exhorts he not at lest to pay tithes, if weakenes brooke not such perfection? Perswades he not to imitate the beginnings and infancy of Iewes, as in giuing part of our goods to the poore, so due honour to Priests? or what calls hee due honour (intentionally) but Tithes? sith this rather ledde th'*exordia* of Iewes, which he there commends to our imitation, vnder terme of *praeceptum est*; vnder perill of sinne so haynous, as *defrauding God*. Of what force his iudgement is to the conclusion of Tythes, is not now inquired: but whither his iudgement be, that the people of the Church stand bound, aequally with the Synagogue of Iewes, to pay Tythes. Let the Reader iudge.

How in the next following Times the case stood, either for vse or claime, within the limit of the first 400. yeares, The Reader may best learne from that Catalogue of witnesses cited and examined by that industrious and learned Archdeacon Dr. *Tilheslie*. To whom I owe many thanks, for that case his paine hath procured mee in that *inquire*. Onely what is
in

in my Sermon cited out of *Cyprian*, as speaking to th' use of his Time, I hope I may attempt after him to vindicate.

The drift of *Cyprian* is aptly such as Mr. *Selden* conceives. His Conclusion this. *Geminus Victor* faults in appointing *Faustinus*, a Presbyter, over-seer of his will, as *Faustinus* himselfe in vndertaking it. Why? because it occasions distraction and (m) in m 2. Tim. tanglement in secular affaires; from which, as all 2. 4. spirituall souldiours, so chiefly Priests must be free. And that appeares by the course which the Lord tooke for maintenance of Leuites; ordering it to arise from Tithes, the fittest meane to procure auoydance of distraction. So for *Leui*. What is this to Priesthood of the New Testament? The same course and forme is now holden saith *Cyprian*. I dare say he meanes intentionally that same forme of maintenance, as being still most auailable for auoiding distraction. Thus are his words; *which same course is now taken; that they which are promoted to Clericall orders, might by no meanes be with-drawne from Gods seruice*. Will you know what course? It is their taking of Tithes. For so conceiue I his *tanquam decimas ex fructibus percipientes*, to denote both the reason of the dutie, and meane auailing to that end. Mr. *Selden* knowes well, what Hebrew Grammarians note of their *Chaph*. Its not alwaies a note of proportion, but often of instance, identitie, and Truth. There is *Chaph Amittith*. So conceiues *Chrysostome* the Greeke as *Ioh. 1. 14.* to signifie veritie not similitude. Yea sometimes we haue these particles vsed as Rationals. 1. *Pet. 2. 13.* *Tanquam hospites & pere-*

E e

grini

grini abstinere a Cōcupiscentijs. Tanquā is there a rational, & æquivalent to *quoniam*. So conceiue I *Cyprian* here to vse it. Seeing Priests now take Tithes, Its reason they should not admit distractions about secular things: That course of maintenance being first provided of God to that end, for *Leui*: and now in the Church holden as most auailable to like purpose. And so, I thinke, we haue clearely from *Cyprian* the vse of Tithing in his Time. Those basket portions distributed by Bishops to Priests, being, probably, made vp, at least in part, of Tithes. In this sense doth that great *Zanchius* conceiue *Cyprian*, citing this Epistle of his, this passage in it, to show the Ancient course of prouision made for the poore and Clergie, and the Trusties for collection and distribution. *Per totum illud Tempus quo nullum Ecclesia habuit principem & Magistratum politicum, qui curam Ecclesie susciperes, primum penes Apostolos omnis Pauperum erat Cura. Deinde translata ad Diaconos, ut est in Actis. Eoque ipsorum etiam deinceps fuit colligere a fidelibus, tum Decimas more Leuitarum, tum alias Eleemosynas, quæ tum ad Ministrorum tum ad reliquorum Pauperum, Rerumque Ecclesiasticarum necessitatem pertinebant. Sed non sine Episcopi consensu distribuebantur.*

*Zanch. in
pæcept. 4.*

The Authorities of *St. Ambrose* and *Augustine*, cited to claime Tithes as due by Gods law, are acknowledged by the Historian to speake punctually to the *Ius diuinum* for Tithes. *Chrysostome* also and *Hierome* confessed to claime Tithes or more. The iealous surmises of *Criticisme* examined by Doctor *Tillesie*, I meddle not withall.

*Summarie
ad cap. 5.*

Our next *quare* is, what in times of intermission either

either of vse or claime, if both or either were, might be the Reasons. Whether the no opinion of their being due; or not more probably: 1. the distresse of the times: 2. the great opinion of excellencie in voluntarie pouertie: 3. or appearance of probable scandall. Left, I thinke, want of opinion; sith all that but touch vpon them, acknowledge their dunesse.

1. To the distresse of times in the first 300. yeares after Christ all Historie giues Testimonie: insomuch that, besides those short breathing times God was pleased to grant to his Church, vntill the dayes of *Constantine*, no Christian in either Empire had securitie of goods or life. Amongst other persecutions more sauage is mentioned by *Eusebius* in th'Epistle of the French, spoile of Christians goods. That little peece of *Melito* his Epistle extant in *Eusebius* written by way of complaint and Apologie to the Emperour *Verus* in like sort bewailes the insolencie Christians suffered from shamelesse Sycophants by occasion of those new Edicts. Thus are the words. *Quod enim nunquam est factum, iam persecutionem patitur piorum genus nouis edictis per Asiam exagitatum. Impudentes enim Sycophantæ & alienorum appetitores, occasionem ex cōstitutionibus illis adepti manifestè latrocinantur noctes ac dies eos depradantes qui nihil iniqui faciunt.* *Euseb. lib. 4. cap. 26.*

Like see in the same *Eusebius* reported from *Dionysius* of *Alexandria* in his Epistle to *Fabius* Bishop of *Antioch*. As also in what that Author wrote against *Germanus*, relating direptions and proscriptions of Christians goods. As *Elisha* speaks to his man: *Is* *Lib. 6. cap. 41. & 42.*

this a time to take gifts? was this a Time for Pastors to exact Tithes, or claime them from the people, who could call nothing their owne? What Minister, or man of any bowels, would now vrge right? and not rather out of his owne priuate contribute, what might solace distressed people?

*Tertullian
in Apolog.*

Page. 36.

And yet, which is remarkeable, *th'extreme pover-
tie* of Christians in these Times *abounded to their rich
liberalitie*, as *Paul* speakes of Macedonians. Euen
now saith *Tertullian*, *Modicam unusquisq; stipem men-
struâ die vel cum velit, & si modo velit, & si modo pos-
sit, apponit.* Which as *Mr. Selden* obserues, was care-
fully and charitably disposed on Christian worship,
maintenance of the Clergie, reliefe of the poore, &c.
The contribution indeede was, as *Tertullian* notes,
without compulsion; (for how vnreasonable had ex-
action beene?) yet doubtlesse issued, as out of com-
passion to their Companions in affliction; so out of
Conscience of recompense due to them, from whom
they receiued their spirituall consolation.

It was euer seene. *Affliction to be the best Tutor
to deuotion.* The word of God is euer most pretious,
when its geason. And neuer were any more scant-
handed towards support of Religion and the Mini-
sterie, then Times fedde fattest with abundance and
ease. *Religio peperit diuitias, & filia deuorauit ma-
trem.* Trow yee, these Saints, so ont of their no-
thing contributing this something to support of Gods
worship, would, in greater abundance, haue stucke
at Tithes? But thus of the first Reason probably
inhibiting vse or claime of Tithes, in some places, at
some Time.

2. Another

2. Another we may well suppose to be, that *during of the denouuer Clergie vpon th'excellencie of willing po-
nertie*. A dreame of theirs, which prouidence abu-
sed, to make their persons venerable, their doctrine
more esteemable in the mindes of Gentiles, and ruder
Christians: whiles they saw in their teachers such
contempt of the world. See *Irenaus, Hierome, Cas-
sian, &c.* Hence, I thinke, it was, that in their spare
claime, or approbation of the payment of Tythes,
the poore are entialed vnto them: Not that they
thought them due immediately, and nextly to the
poore, (For then, what meanes *Hierome* and *Cassian*
to intitle Leuites and Priests of the Gospel vnto
them?) But as intending their distribution to benefit
of the poore from them to whom they first belon-
ged. Whence is that of *Theonas* in *Cassian: Primiti-
as ac Decimas indigentium vsibus profuturas*—offer.
is. Who can now wonder to see men thus minded,
with so little instance pressing the duty of tything?
so farre as it might concerne themselves, though
iudged morall, when therein they must seemingly
haue crossed, what themselves professed, and by
their example desired to commend to others? *Em-
bracing pouerty and contempt of the world.*

3. The last reason of intermitting claime, was
probably *fear of scandall*. This, how farre it praeui-
led with *Paul* to forbear vs of his right to all main-
tenance in some Churches, his Epistles to Corinthi-
ans euidence. In his latter Epistle hee protesteth
his resolution vnalterable *for so much as concerned*
(n) the Regions of Achaia. And vpon the same
ground, on like occasion, as Mr. *Selden* affords vs

*Cassian col.
lat. 21.
cap. 3.*

*n 2. Cor.
17. 10.
Pag. 70.*

the relation, did *Alchwin* advise forbearance of exacting Tythes from Hunnes and Saxons, newly enterdayning the Christian faith; though, as hee also obserues, that Author speakes of it as thing of known vse amongst other sedled Christians. His advise to *Charles* the great intended to impose Tythes vpon them, see whole in the Historians fift chapter. *Scimus quia decimatio substantia nostra valde bona est: Sed melius est illam amittere, quam fidem perdere. Nos vero in fide Catholica nati, nutriti, & edocti, vix consentimus substantiam nostram pleniter decimari. Quanto magis tenera fides & infantilis animus, & auaritia mens illarum largitati non consentit.* These and their likes, may much more probably bee conceiued reasons of disuse, and forbearance of clayme, then want of opinion of their being due; which, even those who were most sparing in vrging the duty, where they but touch vpon the point of Tithes, sufficiently make eident.

But what if all were granted; no vse or clayme of Tythes extant in records of the first foure hundred yeares: how follow the inferences?

No vse read: therefore none? no clayme, therefore no *Ius*? neither reade wee any vse of Sabbath in all the storie of Patriarchs liues recorded by *Moses*: nor any of Priestly or Propheticall function, taxing the neglect, or perswading th'obseruance. Yet shall wee wrong the deuotion and piety of those ancient Saints, if wee shall thinke the dutie omitted.

No vse nor claime, therefore no dutie to vse? therefore no opinion of the *Ius*? Vse of Circumcision was none amongst Iewes, from the time of their departure

departure out of Ægypt, till they had passed ouer Jordan; the space of full forty yeares; nor reproofe of neglect, nor pressing the vse: therefore no duty to vse? nor opinion of the dutie? yet, saith the Lord, when after his new Edict the dutie was done, (o) *I haue remooued from you the reproch of Ægypt.* And though I say not, it was the reproch of the Churches, that they obserued not the præcept of Tithing; yet may I truly terme it there misery, to bee forced by extremity of wants, as likely in some times they were, to omit, what I am perswaded, they thought to bee dutie.

• Iosh. 5. 9.

From this Argument and answer thereto made longsome by occasion, passe wee to the next, supposed to haue ground from th' Historians conceit of arbitrary Consecrations. Thus the Collectors foine it.

Nothing in force by Gods law is arbitrarie. Consecration and payment of Tythes was, according to Mr. Sel-den, Arbitrarie. Therefore not in force by Gods law.

Arg. 4.

Answ. In this Argument you would wonder to see how Lay-Parlons and their adhæring Clerickes triumph, and with it cry downe all that stands against them. And clearely, if th' Author must bee vnderstood as they conceiue him, and could soundly prooue Tithing arbitrarie, in the sense by his readers apprehended, th' argument were vnanswerable. For no morall duty may bee præsumed to bee arbitrarie, left to choise to be done, or not done, thus or otherwise to be done. But soft and faire, vnderstand your Author aright, before you inferre from him.

Resp.

Suppose you hee meanes Consecration or pay-

Ec 4.

ment

ment arbitrarie in respect of *Gods Law* ? or onely in respect of *lawes humane* ? Clearly th' Arbitrarines Mr. Selden meanes in that whole chapter and elsewhere, is onely in respect of *humane positive lawes of those times*. Whether hee would or may bee otherwise vnderstood, I appeale to himselfe, or any considerate and attentive Reader.

And is this th' Argument so vnanswerable ? what because there was no law of man in those times compulsory for paying Tythes, was it therefore not in force by the law of God ? will you impose on your Author a ground so impiously absurd, as that, *No duty urgeth Conscience from the law of God, but what mans law presseth to performe* ? Scarce euer was Kingdome or State so happie, (*Alacke the while*) to compell by law to reuerent vse of Gods name in swearing ; or to restraints the impious abuses of it in common swearing : shall wee say therefore, It's arbitrary to feare an oath, or to take Gods name in vaine ?

9 Ezech. 9.
26

Th' imperfection of mans wisdome and piety in that kinde, Prouidence, it seemes, permits and works vpon ; to manifest the lurking hypocrisie of formalists, extending licence to sinne, as farre as humane Lawes conuiue, and grant toleration : and to euidence the sincerity of his children, that are *a law to themselves*, and for Conscience of God tremble to sin by neglect of dutie, euen where mans law seemes to legitimize it.

Deuotion is neuer more commendable, then when it comes from selfe-inclination. That makes mee the more in loue with the religiously affected in that *Intestinum*, as I may terme it, of those times : who, when
it

it was arbitrarie *in respect of mans law*, selfely contributed to support of Gods worship, what I suppose they thought Gods law pressed Conscience vnto. How doe I wish, the men playing with this fantasie of conceited arbitrarinesse, to calme their grumbling Conscience; rather to walke in the steps of their arbitrarie deuotion, and freely to yeeld vp those holy morsels which they haue deuoured, and God hath threatned to force them vomit?

Whether Consecration, or payment were, in Mr. Seldens owne sense, Arbitrarie, is to my purpose impertinent to dispute. Who lists may see what to that point Dr. Tilleslie hath noted in his *Animaduersions*.

There remaines of the historie, for so much as I haue heard pressed by way of Argument, inquirie of opinion in the third 400. yeares, whether there was then any in the Church touching their duenesse by Morall Law.

Acknowledgement there is in Mr. Selden of *Councils speaking for Tithes as due generally by Gods ordinance*; though of the meaning he seemes doubtfull; bewraying inclination to thinke something, else meant, then what the terme of *Divine Law* at first show imports. Thus is his sentence: *Generall opinion of that Age was not that Tithes were due*, 1. by *Divine Morall law*, 2. to the labouring or Parochiall Minister. The inducement this; because the Clergie so frequently yeelded to allow and confirme Arbitrarie conueynances of them to Monkes, Nunnes, Hospitals, Religious Orders of Knights, Churches farre distant. And the Bishop of Rome granted dispensations and exemptions: which who would thinke of Rome so ancient,

F f

had

had the opinion then beene receiued that they were Parochially due by the Morall Law? excepts perhaps he will say they committed against their Conscience, which were a strange imputation to lay on the Times.

Answ. Surely for my part I thinke not sinnes against Conscience more strange in Apostate Christians, then in infatuated Gentiles. Nor more vnlikely for the Clergie of those times, then for other haereticques, to sinne, as *Paul* speaks, *AVTORITATEM*. *Mec* thinks reading the storie of their liues, I more wonder to see in any the leest sparkes of goodnesse, then flaming desires of iniquitie; and deeme them wondrously Religious, who were not prodigiously impious.

Indeede is it so strange? The Sternsmen of those times to sinne against Conscience? Their Simonie, their beastly lust, their diuellish Magicke, their personall periurie, their bloudie crueltie, dispensing with oathes and incestuous marriages, absolving subiects from loyaltie and subiection to Princes, with their likes, histories are full of. And trow you they held opinion such were no sinnes against Diuine Law Morall? Could Iudgement in these sinnes so palpable, be so besotted? and why not Conscience either Cate-rized, or wilfully smothered? I know not but an vnderstanding so farre infatuated, is as great a iudgement, as a stupified, or præsumptuous Conscience: And shall as soone thinke them to commit against their Conscience, as to be so darkened in their vnderstandings, as not to see, how in sinnes of this notoriousnesse, they violated the Law of God.

*a Luisgrand.
in vita Ser-
gii.*

Sale of Bishopriques was ordinarie with (*) *Pope Sergius.*

Sergius. his (b) Adulterie with *Marozia* wife to *Guido*, daughter of *Theodora* the famous Romane ^{b Idem lib. 2. cap. 3. &} Strumpet, afforded to after-Times *Iohn* the ^{3. cap. 12.} twelfth.

That in *Hildebrand* may seeme a tolerable infirmity, compared with his other vices.

(c) Science and practise of Art-Magique, and such like hellish curiositie, was not strange in *Syluester* the second, lesse in *Hildebrand*. ^{c Henricus de Exfordia.}

(d) Periurie of *Iohn* the twelfth, and breach of oath made to th'Emperour *Otho*, *Luitprandus* largely reports. ^{d Lib. 6. s. 6.}

(e) *Pipin* is absolved from his oath made to his king, by *Stephen* the second. *Lewes* taught with a distinction to elude his oath made to *Aldagisus*, by Pope *Iohn*. *Formosus* absolved from his oath by Pope *Martin*. ^{e P. Diaconus lib. 22. Regino lib. 2. Simmetta lib. 5. c. 17. f Ranulph. lib. 5. c. 29.}

(f) *Iudith* cloistered for her incestuous marriage with *Lewes*, The Pope by aduise of his Archbishops, restores to her husband. ^{g Auctum.}

(g) *Gregorie* the seauenth quites of their oath and fealtie to th'Emperour *Henrie*, Peeres, people, Clergie, Laicke: giues way to rebellion: Legitimizes all hostilitie towards *Cesar*, on behalfe of *Rudolphus*: stickes not to curse them whosoeuer should keepe fealtie to him.

Doctrinally, or rather (h) decretally its deliuered by *Urban*, that oathes made to persons excommunicate, neede not be kept, ought not to be kept, no not by subiects to their Soueraigne. And must we not dare thinke Rome, thus Ancient, so bolde, as to dispense with the Law of God: to sin against conscience? ^{h Caus. 19. quass. 6. c. 1. Inmaz.}

Let vs therefore be a little foolish in our Charitie; and see how, holding Tithing a Morall dutie, they might dispose Tithes to Monasteries, &c. from Parish Ministers, without sinning against Conscience.

Let vs imagine they might conceiue the question of Tithes moralitie two waies proposed. 1. In Grosse: suppose thus: *Whether Tithes were due from the people to God, and to them who waite on his seruice, by diuine Law morall.* Hereto we will præsume their answer was affirmatiue. So *Innocent* the third, *Decimas Deus in signum vniuersaliū domini, sibi reddi præcepit, suas esse Decimas & primitias assenerans.* 2. Particularly if you put the question, *whether this Tith of a particular Parish bee morally due to the Minister there seruing God on behalfe of the people,* thereof they might demurre, and not vnlikely resolute of the negatiue. Ignorance and errour is most frequent in particularities; And where conuiction is strongest of the generall, yet fall out errors often in particulars.

Be it then, they were not generally perswaded of their morall duenesse to the Parish Minister; and so gaue way to their disposing to Monasteries, not sinning against Conscience; yet might the generall opinion be, that they were generally due to God, and to them who waited on his seruice in behalfe of the people.

Obiect. But what then had Monkes, Nonnes, Religious souldiers, &c. to doe with Tithes? were these all or any Attendants on Gods seruice?

Ans. What seruice truly acceptable to God, they in Monasteries performed, is not now the question: but what opinion those times held generallly of their deuotions:

deuotions : Such, it appeares by storie and doctrine, as they thought farre exceeded in worth and excellencie, I may say too, in auaille for their labouring Church in Purgatorie, whatsoeuer the painfulllest Pastour by preaching, or praying could doe to the peoples good : Out of which opinion grew all that profuse lauishnesse of misled people, in contributing to their enrichment.

Obiect. Yet were they not of the labouring Clergie; nor indeede, to speake properly, at all of the Clergie.

Ans. Yet had they also their (a) *consure*, and at large were numbred amongst their Ecclesiastiques. 2. were some of them Deacons, Priests, Professors of Arts and Theologie. 3. Mostly officiated th' adioyning cures, whence they receiued Tithes. 4. affoorded many to manage Bishopriques, some to vndertake the Popedome. *Curio* in his Chronologie speaking of Monasticall Societies in these Times, affirms they were no other then as our Colledges, Seminaries of the Church; and so might well be deemed capable of Church-maintenance; as Schooles of Prophets; in more then likelihood, shared with labouring Leuites. 5. Howsoeuer, vpon supposall of their *duenesse in generall* onely to God, and support of his seruice, easily might they giue way to their disposing to such fraternities, not sinning against Conscience, while they held it sufficient, *vsunque* therewith to support Gods seruice : Which they deemed to be in no meane manner performed in those Couents.

Ob. As to their possessing Religious Orders of Knights,

Knights, deuoted Souldiors, poore in Hospitalls, &c. with Tythes.

Sol. While by the valour of the one, the Church was praeserued; and, though indirectly, the seruice of God by them supported: and by the other, the Churches Charitie made famous to the winning of Aliens, as also their deuotion excited to pray for the peace of their Benefactors; Gods due they might thinke herein sufficiently payd, and Tythes no whit abused; whiles not wholly diuerted from their generall end, the support or ornament of Gods seruice, and those who immediately attended thereon. To Templars committed, saith *Duarene*, onely *Clientela Titulo*.

*Duarene de
sacris ministris
& benefic.
lib. 7. cap. 1.*

With these Coniectures, not altogether groundlesse, my Charitie chooseth to defend those honest Popelings from sinne against Conscience; rather then by imposing on them incongruent construction of *Ius diuinum*, to deprauē their Learning. When Pope *Alexander* said of Tythes, *Non ab hominibus, sed ab ipso Deo sunt instituta*; meant he, thinke you, or did those times apprehend him so to meane an institution of God, *mediate by the Church*? What meanes then the *Antithesis*; *not by men, but by God*? What meanes that emphaticall (*ipso*) but an immediate Ordinance? When Councils and Capitularies cite the Law giuen for Tything to *Leui*, to proue the right of Tythes, *in the very syllables of Moses*, could any conceiue them to meane *Ius Ecclesiasticum*? I had well-most as lief. thinke them to sinne against Conscience, as to interpret against sense.

*M. Selden,
c. 6. p. 132.*

So farre hath my Charitie (which will be forced

ere

ere it thinke the worst of any) travelled, to excuse the Clergie of those times from sinning against Conscience.

But would you thinke it, Præcisenesse to turne Popish? *nec mirum dummodo ob rem.* Ceremonies but touched by Poperie, are abominable: Yet Popish Iudgement in this particular, is onely currant. It well helpes to smother Conscience, and to aduantage Couetousnesse.

Ob. Opinion of Schoole-men, related by M. Selden, Pag. 127. is, That Tythes quoad quotam are not due by Morall, cap. 7. sect. 3. but onely by Ecclesiastique Law. Generall opinion of the Church in the third foure hundred yeeres, was not, that they were due by Diuine Morall Law. With these, præcise ones will choose to erre, rather then with our new Masters, as they terme vs, to thinke Truth.

Sol. Yet againe be admonished not to tentor your Author. Sparingly yee shall obserue him speake: 1. Not *no Opinion*, but not *generall Opinion*. Opinion there was of their duenesse, by Diuine Law, manifested in Councils, and other no meane Clerkes of that time; though, as hee conceiues, the more part otherwise iudged. 2. Nor yet were they bent in Opinion, for aught the Author saith, against the morallnesse of Tything in *uniuersali*; but onely *secundum modum limitatum*, suppose their proper duenesse to the labouring and Parochiall Priesthood. 3. Yea, complaints of the tarrest hee cites of *Peter Damian*, and other the most vertuous of those times, against their diuerting from the labouring Clergie.

But are Schoole-men now become Authors so authenticque? Is it their Iudgement or their reason

Malenſ. parte
3. 2. 51.

Tho. 2. 2.
9. 12. 2. 3.

Carthufian.

Cæſen. in
Annal.

Ædithus in
Chron.

that ſwaies ſo much? The ſelfe ſame ſentence deli-
uer they of Sabbath; and out of the ſame reaſon
conclude againſt moralitie thereof. *Præceptum de de-
cimis quoad determinationem non eſt dicendum morale,
quia ſecundum ſuam determinationem non eſt ſcriptum
in Corde Hominis.* Right ſo of Sabbath: that præ-
cept is not morall *quoad determinationem dici*; The
reaſon, becauſe reaſon dictates no more a ſeauenth,
then a fifth or tenth of Time deputable to the ſervice
of God. Answer whereto reade where that Argu-
ment is purpoſely examined.

And is it ſo ſtrange, thoſe Times ſhould not af-
foord vs vnanimous conſent to this ſentence? ge-
neralitie of opinion touching moralitie of Tithing?
Why more, I wonder, then that they ſhould vnani-
mouſly fight for adoration of Images, and condemne
them of hæreſie who thought againſt it? What tu-
mults raiſed the demolishing of them to *Leo Iſaurus*
in the Eaſterne Empire? while *Gregorie* the third
caſt out the thunderbolt of excommunication in that
regard.

How farre the myſterie of iniquitie had now præ-
uailed, to obſcure Truth, both of faith and manners,
who ſo is but meanely conuerſant in th'Hiſtorie of
thoſe times, eaſily obſerueth. And yet who can pro-
duce any one Author of credit then auouching, that
they were not due to God by Diuine Law euer bin-
ding. The diſpoſing of them perhaps was not ſo
proper, as is conuenient; yet ſuch as carried with it
euidence of opinion touching their dueneſſe to God
in *vniverſali*: while they all, to whom they were
diſtributed, had, in their opinion, manifeſt relation to
God,

God, either as Agents in his worship, or as guardians and supporters of them who were therein employed.

Councils speaking punctually to their Morall due-nesse some are produced by *M. Selden*; more might haue beene added.

Lawes also Imperiall, Prouinciall, Pontificiall. Complaints of men most vertuous against their aliening from the labouring Priesthood. Much lesse then halfe this, is iustly thought sufficient to vphold continued succession of our faith and Religion, in those times of darkenesse, when insolently Papists presse vs to show, *where then was our Church*. Here onely, men otherwise walking as Anabaptists in measuring Truth and goodnesse by paucitie of followers, will needes haue vniuersalitie a marke of the Truth.

But of the Arguments forced from *Mr. Seldens* storie beyond his intention, thus farre. Either I know not his learning, or else assuredly he thinks himselfe to receiue more wrong, in hauing Arguments of this mould fathered on him, then euer he intended to doe vs in the cause of Tithes.

You would wonder, I thinke, if this Gentleman should prooue our Advocate in the demand of Tithes. And iudge your selues strangely mistaken, if his iudgement should be, that English Tithes are not without Sacriledge detained or possessed in Lay fee.

Thus he in his review. *Mr. Sel.*
It is a grosse error to make it cleare, as many doe, den pag.
that if Tithes be not due to the Priesthood iure ditino 471.
moralis, then Appropriated Tithes may be still possessed
with good Conscience by Lay-men. for though
they be not due sa. yet is the Consecration of them in

Prou 10.
25.

Page
486.

the Appropriation nothing? — The many excommunications annexed to the deedes of conueyance of them, and pour'd forth against such as should diuert them to profane vses, should be also thought on. And let them remember also who sayes, that its a destruction for a man to deuoure what is consecrated. And againe.

Let him that detaines them (and beleuees them not *de iure diuino*) thinke of the ancient dedications of them made to holy vses: And howeuer they were abused to superstition, as the other large indowments of the Church, before the reformation; yet followes it not without further consideration, that therefore, although so dedicated, they might be prophaned to common vses, and Lay hands. Consult herein with Diuines. But I doubt not but that euery good man wisbes, that at our dissolution of Monasteries, both the lands and impropriated Tishes and Churches possessed by them (that is, things Sacred to the seruice of God, although abused by such as had them) had bene bestowed rather for the aduancement of the Church to a better maintenance of the labouring and deseruing Ministerie, to the fostering of good Arts, reliefe of the poore, and other such good vses, as might retaine in them, for the benefit of the Church or Common-wealth, a Character of the wishes of those who first with deuotion dedicated them (as in some other Countries vpon the reformation was religiously done) then conferred with such a prodigall dispensation, as it hapned, on those who stood readie to deuoure what was sanctified, and haue (in no small number) since found such inheritances thence deriued to them, but as *Scine* his horse or the gold of *Tbolause*.

What

Whatthinke you ? doth he not clearly deli uer vs this ground ? *Things Sacred to holy uses cannot without Sacriledge be prophaned to lay hands, or diuerted to common use.*

Implies he not in his proceſſe, Tithes of England, amongst others, ſo ſacred ? Nay ſpeakes he not pun-
ctually to Engliſh Tithes ? *In England we haue ſcarce any example of a Tiſhe that was in its Nature feodall, other then in ſuch as were taken from Monafteries by the Statute of diſſolution, and may ſtill be called, as originally, by the Name of Conſecrated or Appropriated Tiſhes, although now infeodated.* Pag. 477.

The concluſion, *Ergo*, Tithes of England are not without Sacriledge diuerted to common uſe.

What trow wee is answered to this round Argument of M. Selden by men that moſt admire him. *Erranimus cum patribus* : and *hic non tenetur Magiſter*.

Learned friend, Commit not to incurre ſuſpicion of making ſo worthy parts ſeruiceable to priuate reſpects of any, how great ſo euer: much leſſe to haulke after popular applauſe : for wherein is it to be eſteemed ? How are our iudgements ſlighted amongst our greateſt Admirers, longer then we humour their praiudice ?

Perhaps its expected I ſhould trace M. Selden in his ſtorie: I wiſh onely my leaſures and abilities were competent to that taſke. I ſhould ſure doe him tight, and the cauſe no great wrong. But both my intention was to limit my ſelfe to the point of Title; and imprudence it ſeemed, to thruſt my ſickle into another mans harveſt.

One onely conſideration I propound to men

G g 2

minded

mindes against the moralitie of Tithing; perhaps it may stay them from præcipitating their sentence. Thus conceive it.

Scarce is there any Argument bent against moralitie of Tithing, but strikes with keenest edge against moralitie of Sabbath. God graunt vpon reading they prooue not as Sacrilegious in Gods Time, as they are hitherto in his substance. View them yet at aduerture in this Parallel.

1. Moralities are all of the Law of Nature.

Tithing not so. For Nature dictates no more a tenth then a ninth or eleuenth payable to support of Gods worship. *Ergo*

2. If first Tithes be morally due why not also the secundance, why not the trietericall. These abolished. *Ergo*

3. No Law for Tithing read till the time of Moses, *Numbers 18.* *Ergo*

1. Moralities are all of the law of Nature.

Sabbathizing nor so. For Nature dictates no more a seuenth, then a sixth or eighth of time deutable to Gods seruice. *Ergo.*

2. If the weekly Sabbath be morally obseruable; why not also those called (a) *Septuagesima*; why not that (b) *Sabbatum Terræ* every seuenth yeare? These abrogated. *Ergo*

3. No Law for Sabbath read till daies of Moses, *Exo. 16.* for that ground of the Law learned of Anticipation. *Ergo*

4. Tithes

4. Tithes learned men say were commanded to be paide in testimonie of Gods vniuersall dominion, in signe of thankfulnessse. *Ergo* ceremoniously not morally payable.
5. Scriptures of new Testament speake nothing to the moralitie of Tithing. Vnderstand it expressly. *Ergo*
6. *Paul* speaking purposefully of Ministers maintenance mentions not Tithes, though there it was most seasonable to touch them. *Ergo*
7. Most Iudicious Diuines of later times, reckon Tything amongst ceremonies or Iudicials particular to Iewes. *Ergo*
4. Sabbath God himselfe saith was ordained for a signe that the Lord doth sanctifie vs. *Paul*, as a signification of our resting from sinne, &c. *Ergo* not morally obseruable.
5. Scriptures of new Testament speake nothing to moralitie of Sabbath. Yea something seemingly against it. *Ergo*
6. Our Sauour vrged by Pharisees, saith nothing to the morality of Sabbath. Yea something in shew of words against it. *Ergo*
7. The same men well-nigh all are peremptorie for the ceremonie of the Sabbath. *Ergo*

Bethinke your selues of any other Argument against moralitie of Tithing, if of any moment, I dare say its applicable to that or Sabbath of maine

G g 3 duties

duties thereof. Conceiue any substantiall answer to these Arguments in behalfe of Sabbathes moralitie, I pawne all that little reputation of learning I haue in the Church, to fit it punctually to the auaille of Tithes.

I hope you haue, some of you, better learnd Christ, then in fauour of your commoditie, to forgoe your pietie. *Faxit Deus.* How would it else repent mee to haue thus put the two into balance? and to haue hazarded the Lord his losse of reserued time, already so detrimented in his hallowed substance? They both, I dare anow, stand or fall together. The good Lord frame our hearts to the acknowledgement and obedience of his will in all things; that no praiudice or selfe-love cause vs to shut our eyes against the cleare Light of Truth, shining vnto vs.

To him be glory and dominion for

euerr. *Amen.*

FINIS.

Errata.

FOr *read e* in *pretended*, *prajudice &c.* pro *Tenants*, *tenants*: for *injunctious* pag. 6. *injunction*. pag. 7. pro *scize*, *seize*, pag. 10. for *this*, *the*. pag. 5. lin. 5. for *as*, *of*. lin. 15. *supposal*. lin. penult. *duis*. pag. 12. lin. 26. *tautologis*. pag. 16. lin. 22. *debetur*. pag. 17. lin. 3. *duida*. l. 7. *duyphduym*. lin. 17. *secundane*. pag. 24. lin. 10. *ratione*. pag. 28. lin. 20. *is it*. pag. 29. l. 5. *imports*. p. 32. l. 18. *conclusion*, l. 28. for *ny*, *ap. numeral*, p. 50. l. 23. for *any*, *noy*. pag. 51. l. 5. *dele*, *now perhaps*. p. 56. l. 20. *apertly*. p. 57. l. 13. *know*. p. 59. l. 9. *decimabiles*. l. 24. *usu*. p. 74. l. 15. *paris*. p. 75. l. 2. *ceremonious*. l. 3. *shaped*. l. vlt. for *Ergo*, *Exemp*. pag. 88. 26. *verum*. pag. 141. l. 15. for *or*, *et*. 18. *adapya* pag. 210. l. 28. *denotion*. pag. 220. l. vlt. *distributed*.
